

**UNITED STATES DISTRICT COURT  
FOR THE SECOND CIRCUIT**

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**WILLIAMS, SCOTT & ASSOCIATES LLC, et al.,**

**JOHN T WILLIAMS**

**Plaintiffs,**

**v.**

**UNITED STATES OF AMERICA**

**Defendant,**  
-----X

**AMENDED COMPLAINT**

**DOCKET NUMBER 19-CV-837 (CM)**

**FEDERAL TORT CLAIM 42 U.S.C. 1983, 1985**

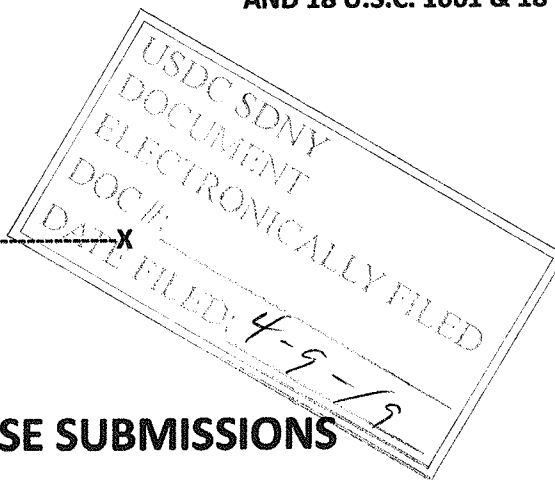
**AND THE FOURTH, FIFTH, SIXTH, EIGHTH**

**AND FOURTEENTH AMENDMENTS**

**AND 18 U.S.C. 1001 & 18 U.S.C. 2**

**PRO SE SUBMISSIONS**

Pro Se submissions are afforded wide interpretational latitude and should be held "to less stringent standards than formal pleadings drafted by lawyers." **Haines v. Kerner**. In addition, the court is required to read the pro se submission liberally and interpret it as raising the strongest arguments it suggest, **United States v. Akinrosotu**. The Supreme Court has held that pro se submissions need not even plead specific facts; rather the complainant "need only give the defendant fair notice of what the ... claim is and the grounds upon which it rest." **Erickson v. Pardue**. "A submission has facial plausibility when the litigant pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged."



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## **ACTUAL INNOCENCE**

To establish a fundamental miscarriage of justice a petitioner must demonstrate that he is "actually innocent," the "miscarriage of justice exception is concerned with actual as compared to legal innocence." **Calderon v. Thompson**, 523 U.S. 538, 559, 118 S. Ct. 1489, 140 L. Ed. 2d 728 (1998) (quoting **Sawyer v. Whitley**, 505 U.S. 333, 339, 112 S. Ct. 2514, 120 L. Ed. 2d 269 (1992)). A claim of actual innocence therefore must be supported by "new reliable evidence." **Schlup v. Delo**, 513 U.S. 298, 324, 115 S. Ct. 851, 130 L. Ed. 2d 808 (1995). Mr. Williams's petition that follows will easily show and prove Actual Innocence.

## **PLAIN ERROR STANDARD RULE 52(b)**

**Rule 52(b)** states, Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court." Under a plain error review an appellant must show that there is **(1)** error, that is **(2)** plain, and **(3)** affects substantial rights to show that the court has the discretion to correct a forfeited error. If all three conditions are met, the court will correct the error if the appellant shows that the error "seriously affect[s] the fairness, integrity or public reputation of judicial proceedings." **United States v. Olano**, 507 U.S. 725, 736 (1993).

## **THE FOUR ELEMENTS OF A TORT CLAIM**

1. The presence of a duty. We all have a duty to take steps to prevent injury from occurring to other people.

2. **The breach of a duty. The defendant must have failed to live up to his duty to prevent injury from occurring to you.**
3. **You were injured.**
4. **The injury resulted from the breach. The defendant's actions led to your injury.**

**Mr. Williams's Claim that follows easily satisfies these four elements.**

## **INTRODUCTION**

1. This is an action for damages sustained by a citizen of the United States against federal officers of the court in there investigative roles. The federal governments officers unlawfully searched and seized property without a valid search warrant or probable cause, then unlawfully arresting and prosecuting the defendant and his companies Williams, Scott & Associates LLC and WSA, LLC even when they knew the civil acts were not crimes. This blatant breach of duty perpetrated by all the supervisors of the government agencies USAO, FBI, FTC and the Clerk of Courts caused the plaintiff unrepairable damage. This case isn't about negligence in the line of duty, these atrocious acts were premeditated and carefully planned and orchestrated by all these government agencies working together with the sole purpose of "GETTING THEIR MAN" Mr. Williams at any

cost. The following Torts and Constitutional violations are listed throughout this complaint, **1. False Imprisonment/Wrongful Confinement/Loss of Liberty 2. IED 3. Abuse of Process 4. Cruel and Unusual punishment Excessive fines and pretrial detention with no bail 5. Illegal search and seizure/ Violation of Warrant Order 6. Fourth, Fifth, Sixth, Eighth and Fourteenth Amendment violations.** Mr. Williams always admitted that some of his employees had violated the FDCPA in a few isolated incidents, but why was he treated so much differently than the other similarly situated businesses who had similar or worst complaints. The obvious answer is race and class. Preet Bharara (AG), Richard Zabel (FBI), Edith Ramirez (FTC) and Ruby Karjick (COC) and others as supervisory officers are responsible for the conduct of the defendants and for their failure to take corrective action with respect to federal personnel.

Their vicious propensities were notorious, to assure proper training and supervision of the personnel, or to implement procedures to discourage lawless official conduct. The acts of all the defendants which are the subject of this lawsuit were undertaken in the regular course of their investigative duties. All four government agencies that are named in this suit share the responsibility equally because they all participated in this heinous scheme. They are sued in their official capacity. Upon information and belief the defendants reside in New York and in Georgia.

**THIS CASE WAS ONLY A VIOLATION OF CIVIL STATUTE 15 U.S.C. 1692(c) FALSE OR MISLEADING REPRESENTATIONS OVER THE PHONE, FAIR DEBT COLLECTION PRACTICES ACT OR (F.D.C.P.A.). THE GOVERNING BODY FOR THE COLLECTIONS**

**INDUSTRY. THE GOVERNMENT AGENCIES CONSPIRACY PERVERSELY TURNED THIS CASE INTO A CRIME.**

**The Fair Debtors Collection Practice Act, (FDCPA)** was designed to protect consumers who have been victimized by unscrupulous debt collectors regardless of whether valid debt actually exists. **Sledge v. Sands (1998, ND111) 182 FRO 255** in part on other grounds as stated in **Wilson v. Collecto, Inc. (2004 US Dist Lexis 3074)**. The "critical element" is whether the defendant Williams, Scott & Associates LLC and its employees are considered debt collectors as defined under the statute. Clearly AUSA Sarah E Paul has stated that Mr. Williams is the owner of a 14 year old collection agency.

In 1977, Congress enacted the **FDCPA** to eliminate abusive debt collection tactics by debt collectors," **15 U.S.C.1692e**. Just like the tactics Mr. Williams was arrested for. The **FDCPA** prohibits interalia, debt collectors from using "unfair or unconscionable means to collect or attempt to collect any debt." **1692{f}** Moreover [a] debt collector may not use any false, deceptive or misleading representation or means in connection with the collection of any debt." \*Id **1692{e}**. The **FDCPA** provides for a "CIVIL" cause of action to enforce its provisions, with debt collectors who violate the act liable for actual damages up to 1,000 dollars and reasonable attorney fees and court cost. **See Edwards v. Niagara Credit Solutions, Inc 629 F .3d 1263, 1270 {11th Cir. 2011}**.

This is plain error and a fundamental miscarriage of justice based on actual innocence. Simply put every single overt act, contained in the governments

complaint on November 12, 2014 and the indictment on December 1, 2014 contained all the prohibited misleading representations that are covered in the **FDCPA, 15 U.S.C. 1692(e) a "CIVIL STATUTE."** AUSA Sarah Paul and the government attempted to bootstrap a civil violation into criminal misapplications.

Under the logic of **United States v. Christo, 614 F. 2d 486, 491 {5th Cir. 1980}**. It is impermissible to use the violation of a **"CIVIL STATUTE"** to Ipso Facto Supply a crucial element of a criminal offense. {"A conviction resulting from the government's attempt to bootstrap a series of deceptive misrepresentations ... a civil regulatory violation, into an equal amount of misapplication felonies cannot be allowed to stand"). "[U]nder the logic of Christo and Wolf it is impermissible to use the violation of a **"CIVIL STATUTE"** to Ipso Facto Supply a crucial element of a criminal offense." **United States v. Eriksen, 639 F. 3d. 1138, 1150 {9th Cir. 2011}**. In short the FTC and the **FDCPA** have total jurisdiction over the actions dealing with collection tactics. This is "PLAIN ERROR" and "ACTUAL INNOCENCE".

**THE SUBSTANTIVE OFFENSE OF "WIRE FRAUD" 18 U.S.C. 1343 WAS NEVER CHARGED IN THE PLAINTIFFS CASE.**

It is well settled that conspiracy to commit and offense, and the substantive offense itself, are separate and distinct crimes. E.g., **Callanan v. United States, 364 U.S. 587, 81 S. Ct. 321, SL. Ed. 2d 312 {1961}, United States v. Jacobs 451 F. 2d 530 {5th Cir. 1971}**. Of course, at least one overt act in furtherance of the criminal agreement must be shown in order to prove the offense. E.g., **United States v. Jacobs Supra, Roberts v. United States, 416 F. 2d 1216, 1220 {5th Cir 1969}**. Here in Mr. Williams's five page indictment on December 1, 2014 the

substantive offense of "WIRE FRAUD" is mentioned "**18 U.S.C. 1343**" BUT NEVER CHARGED, (see **Exhibit-5, 6**). Mr. Williams's entire case has only "ONE COUNT" which is conspiracy to commit wire fraud, it should have at least "TWO COUNTS" this is "PLAIN ERROR" and "ACTUAL INNOCENCE". A substantive offense is a crime that's complete in itself and is not dependent on another crime for one of its elements i.e. "WIRE FRAUD". Conspiracy is an inchoate offense, the essence of which is an agreement to commit the unlawful act, it cannot "STAND ALONE". The substantive crime "WIRE FRAUD" must be charged in the indictment as the object of the conspiracy. This was a major blunder by the late Preet Bharara and the USAO. This is no doubt "PLAIN ERROR" and "ACTUAL INNOCENCE", and a miscarriage of justice, this **FTCA TORT CLAIM** should be granted.

**PLAINTIFFS 4TH AMENDMENT RIGHT WAS VIOLATED BY ILLEGAL SEARCH AND SEIZURE AND A FACIALLY INVALID SEARCH WARRANT BASED ON A FRAUDULENT APPLICATION AND AFFIDAVIT; ALSO CASE NO: 14-MC-500 HAS NO CONNECTION TO DEFENDANTS CASES 14-MJ-1037 OR 14-CR-784 DECEPTIVE AND FRAUDULENT SEARCH WARRANT WAS USED.**

At the outset it should be known that a legitimate and legal search warrant was never obtained by the government. This is a travesty in itself and clearly qualifies Mr. Williams to plead "PLAIN ERROR" and "ACTUAL INNOCENCE". Magistrate Judge Janet King never gave former FBI agent Timothy Brody authority to search and seize property of Williams, Scott & Associates LLC, authority was only given to receiver Michael Fuqua and the FTC because there the governing body over the FDCPA and the collections industry. In the report and recommendation on December 5, 2016 case no: **16-cv-986** Judge Janet King says she gave broad authority to the receiver Michael Fuqua to take exclusive control

over all assets, **(See Exhibit-14)**. There is no disputing this damning evidence, not only was there no probable cause but there was no search warrant, more evidence and proof is listed below.

1. Search warrant case no: **14-MC-500(JFK)** dated May 28, 2014 is a miscellaneous case out of Georgia, it's not connected to the defendants criminal case **14-CR-784, (see Exhibit-15)**. This fraudulent document was used to violate the defendant's fourth amendment right to illegal search and seizures. The magistrate Judge never gave consent. Even more disturbing is the fact that the marshals didn't arrest Mr. Williams until November 18, 2014 magistrate no **14-MJ-1037, (see Exhibit-H)** the fraudulent search warrant or the affidavit and application for search warrant is not listed on the docket nor is a complaint. Also there are five different arrest warrants **(see Exhibits-1, 2, 2A, 3, 4)**. 2. In the order by Judge Janet King on September 20, 2017 it shows the order to unseal this miscellaneous case **14-MC-500**, the defendants company Williams, Scott & Associates LLC is never listed as the defendant, **(see Exhibit-15)**.

3. Judge Janet King never gave authority to former FBI agent Timothy Brody to search the defendant's property only Michael Fuqua **(see Exhibit-14)**. 4. Judge Janet Kings signature is "FORGED" on the application and affidavit for search warrant and search warrant. **(See Exhibit-A)** and **(Exhibit-C)** then compare them to the Judges real signature on **(Exhibit-14)** and **(Exhibit-15)**. 5. There is no affidavit page where the Judge signs and the agents swears to his testimony, **(see**



**Exhibit-B).** 6. The AUSA attorney Jeffrey A Brown never filed a complaint, affidavit and application for search warrant, or search warrant with the magistrate court on May 28, 2014. 7. Were the search warrant ask for a brief description of the person or property to be searched the space is left blank, this is~ "FACIALLY INVALID WARRANT", (see **Exhibit-A**) and **Exhibit-C**). 8. Were the search warrant says, I am special agent of the FBI and have reason to believe that on the property or premises known as ... this space is "INTENTIONALLY LEFT BLANK", this is a FACIALLY INVALID WARRANT, (see **Exhibit-A** and **Exhibit-C**).

9. Search warrant was never returned and executed, the certification page is "INTENTIONALLY LEFT BLANK", (see **Exhibit-D**). 10. The same issues are found in the "FACIALLY INVALID ARREST WARRANTS" (See **Exhibit-1, Exhibit-2, Exhibit-2A Exhibit-3 and Exhibit-4**). Supreme Court's holding in **GROH** would undoubtedly oblige me to strike down a facially invalid warrant in the absence of incorporation and attachment of the supporting affidavit. It was clearly established that a warrant which fails to specify the crimes for which the search was being undertaken lacks particularity. See **George, 975 F .2d at 76; see also Vilar, 2007 U.S. Dist. LEXIS 26993, 2007 WL 1075041, at \*22(collecting cases)**.

It was clearly established that a warrant with unduly broad, ' ambiguous, or catch-all categories lacks particularity. SEE **Buck, 813 F .2d at 591; see also Vilar, 2007 U.S. Dist LEXIS 26993, 2007 WL 1075041, at \*22(collecting cases)**. Courts have warned officers against reliance on warrants that, in addition to other deficiencies, fail to specify a temporal limitation. See **Cohan, 628 F.2d at 366**

**(collecting cases).** And it was settled that attached or incorporated affidavits could confer the requisite particularity on facially deficient warrants, but that unattached and unincorporated affidavits could not do so. **See e.g., Groh, 540 U.S. at 557; Rosa, 626 F .3d at 64; George, 975 F .2d at 74.** Given that all applicable law was clearly established at the time of this illegal search, Timothy Brody and 20 other FBI agents nonetheless violated the law by not even getting permission from the magistrate Judge to perform a search **(see Exhibit-S)**. What's even more sinister is the fact that a **Motion To Seal Search Warrant** was filed to keep this heinous tactic a secret, **(see Exhibit-A1)**. Former attorney general Sally Yates and former AUSA Jeffrey A Brown figured nobody would ever see there scheme. This was a blatant violation of Mr. Williams's **4th Amendment Rights**, and is definitely "PLAIN ERROR" and "ACTUAL INNOCENCE".

#### **THE PLAINTIFFS 14TH AMENDMENT WAS VIOLATED, EQUAL PROTECTION OF THE LAW; CLASS OF ONE.**

"The Equal Protection Clause requires that the government treat all similarly situated people alike." **Harlen Assocs v. Incorporated Village of Mineola, 273 F .3d 494, 499 (2d Cir. 2001)**. "Although the prototypical equal protection claim involves discrimination against people based on their membership in a vulnerable class, [The Second Circuit] ha[s] long recognized that the equal protection guarantee also extends to individuals who allege no specific class membership but are nonetheless subjected to Invidious discrimination at the hands of government officials." Simply put the petitioner or his employees had no way defend themselves against the deep pockets of the government.

There are about 8000-9000 collection agencies in the United States, and less than 1 % are black owned. Never in the history of collections has there been a collection agency criminalized for merely misrepresenting themselves over the phone. Only until Mr. Williams stood up to the bully and former FBI agent Timothy Brody back in the summer of 2012 was he pursued, stalked and attacked by the government employees. Mr. Williams's company did nothing wrong criminally, the violations were simple civil none-criminal infractions, but the defendant has been in prison for the past 4 years and has lost everything he's worked for. The only conclusion that one can come to is because Mr. Williams is a black man, who was never afforded the opportunity for sufficient counsel, this left him easy prey for the government. Below are a list of white owned companies similarly situated to Mr. Williams's company, these companies employees did the exact same things that the defendants' employees did but none of them were ever criminalized.

- 1. FTC v. UNIFIED GLOBAL GROUP, (2ND CIR. FEBRUARY 9, 2016)**
- 2. FTC v. VANTAGE POINT SERVICES, (2ND CIR. MAY 3, 2016)**
- 3. FTC v. FEDERAL CHECK PROCESSING, (2ND CIR. APRIL 13, 2013) (EXHIBIT-Z)**
- 4. FTC v. 4 STAR RESOLUTION, (2ND CIR. FEBRUARY 29, 2016)**
- 5. FTC v. AFR FIN, (11 TH CIR. SEPTEMBER 30, 2016)**
- 6. FTC v. PRIMARY GROUP, (11TH CIR. MAY 19, 2016)**
- 7. FTC v. BAM FINANCIAL, (9TH CIR. OCTOBER 21, 2015)**
- 8. FTC v. DELAWARE SOLUTION, (2ND CIR. OCTOBER 6, 2015)**
- 9. FTC v. NATIONAL CHECK REGISTRY, (2ND CIR. JULY 15, 2015)**

Mr. Williams has included a partial 5 page Report and Recommendation from the **FTC v Federal Check Processing**, so this court can read for themselves and see what these defendants did was no different than what Mr. Williams's employees did, (**see Exhibit-Z**). These companies were handled in the correct way under the statute **15 U.S.C. 1692, Fair Debtors Collection Practice Act, FDCPA** which Jimmy Carter enacted in 1977. The collection industry is no stranger to complaints, in fact their leading the business industry in complaints according to the BBB, here are some facts. The FTC received 88,190 complaints about debt collectors in 2009 in yet the commission brought a grand total of just "ONE" enforcement action against a company for debt-collection violations (enforcement action means civil action by the FTC). It brought three actions in 2010, four actions in 2011, six in 2012 and six in 2013. One of the six in 2013 targeted the world's largest debt collection operation, Expert Global Solutions, and carried a 3.2 million dollar civil penalty. Mr. Williams's company did nothing different from what these companies did, in fact their conduct was much more egregious, and in yet the defendant has been criminalized just because he is black. Clearly this is a violation of the 14 amendment, equal protection of the laws, and "Class of one" Mr. Williams pleads "PLAIN ERROR" and "ACTUAL INNOCENCE".

**PREDICATE OFFENSE OF "WIRE FRAUD" WAS NEVER CHARGED IN THE INDICTMENT, CAUSING THE CONVICTION AND SENTENCE TO BE UNCONSTITUTIONAL.**

Mr., Williams's company was never charged with the underlying predicate offense of "**WIRE FRAUD**" **18 U.S.C. 1343** in the initial indictment on December 1,

2014, (See Exhibits-5, 6). Because the "PREDICATE OFFENSE" was not charged in the indictment Mr. Williams's conviction is **"VOID"** and the sentence is considered unconstitutional. Conspiracy to commit wire fraud has no penalty provision **18 U.S.C. 1349**, it is dependent upon another sections penalty provision, it cannot "STAND ALONE" this is "PLAIN ERROR" by the district court so Mr. Williams claims "ACTUAL INNOCENCE". The Supreme Court has held that "PRO SE LITIGANTS" need not even plead specific facts; rather the submission "need only give the defendant fair notice of what the ... claim is and the grounds upon which it rest." **Erickson v. Pardus, 551 U.S. 89, 93, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007).**

**DUE PROCESS VIOLATIONS; FACIALLY INVALID WARRANTS AND VIOLATION OF RULE 4.1 NO TRANSCRIBED RECORDING OF UNDER OATH TESTIMONY, OVER SEIZURE, FALSE STATEMENTS, OVER BREATH AND PARTICULARITY OF SEARCH WARRANT AND MULTIPLE DOCUMENTS ALTERED ...I.E. COMPLAINTS, INDICTMENTS, DOCKETS.**

Mr. Williams has already showed that the search warrant and the application and affidavit for search warrant were grossly fraudulent and facially invalid, that's is unconstitutional or illegal on its face. Below the defendant will prove the arrest warrants were also fraudulent and facially invalid and the indictment and complaint had multiple copies.

## **FRAUDULENT ARREST WARRANTS**

1. First there are two totally different copies of the "ORIGINAL" arrest warrant signed by the magistrate Judge Sarah Netburn (see **Exhibit-3 and Exhibit-4**). There should only be one copy on file, this proves fraud. 2. The person to be arrested is

not in the "YOU ARE COMMANDED" section, it's never completed on the arrest warrant, this is "FATAL" to this case. **3.** There are five different copies of arrest warrants on this case when there only should be "ONE" this signifies that many people were obstructing justice by trying to fix this case against Mr. Williams. **4.** The case heading stamp on **(Exhibit-2A)**, **14-MJ-1037GGB** does not match the case number "STAMPED" on the document **14-MAG-2546** further **(Exhibit-2A)** has case heading stamp **14-MJ-1037GGB** that doesn't match the case rubber stamped **14 MAG-2546**. **5.** There's no case heading stamp on **(Exhibit-1 and 2)**. **6.** Case heading, United States of America vs. John Todd Williams is incorrect, it should read, United States of America vs. Williams, Scott & Associates LLC. This case is against a company not an individual. **7.** There are "TWO" ORIGINAL copies of the arrest warrant see **(Exhibit-3 and Exhibit-4)**. **8.** **(Exhibits-3, 4)** has **14-CR-784-RJS** case heading stamp for Judge Richard J Sullivan, this is fraudulent because Judge Sullivan didn't come on petitioner's case until June 2016.

## **FRAUDULENT INDICTMENTS**

There can only be one "ORIGINAL" indictment and "ONE JUDGE" on any given case, this perversion of justice must not go unpunished, it only invites anarchy, for the government to violate a citizens basic Fifth Amendment right is unthinkable, weather the plaintiff be black or not, in short there was never a Grand Jury Indictment on this case. **(SEE EXHIBITS 5 AND 6).**

## **FRAUDULENT SEARCH WARRANTS**

**1.** Georgia Miscellaneous Case No: **14-MC-500** has no connection to defendants criminal case **14-CR-784-AT** out of the S.D.N.Y. **2.** Judge Janet King's signature is forged on the application and affidavit for search warrant and search warrant see **(Exhibit-A and Exhibit-C)**. **3.** Judge Janet King only gave authorization to the FTC and Michael Fuqua see **(Exhibit-14)**. **4.** Defendants company name is never listed on the search warrant or the application and affidavit for search warrant, nor is it listed on the MISCELLANEOUS CASE NO **14-MC-500**,**(See Exhibits-15,A,C)**. **5.** Over seizure, Over breadth, Particularity; 20 FBI agents took everything from Mr. Williams's office and did not inventory not one item. They stole, TV's, car titles, license plates, medical records, computers, servers, surveillance cameras, sofa's and everything listed on the evidence log **(see Exhibit-S)**.

## **VIOLATION OF RULE 4.1 of the FED. R. Crim. P.**

The government violated Mr. Williams's due process rights when they never followed procedures of **Rule 4.1** by not transcribing the agents under oath testimony in the complaint. **Rule 4.1 of the Fed. R. Crim. P.** states at **(1)** taking testimony under oath; The Judge must place under oath and may examine the applicant and any person whose testimony the application is based. **(2)** Creating a record of testimony and exhibits. With all the blatant government misconduct that Mr. Williams has proved from the fraudulent search warrant and arrest warrant, it's safe to say that former AUSA Daniel Tehrani never acquired a

legitimate complaint, and that's why there's no recording on file.

Further if you look at **(Exhibits-7 and 8)** you will see one has a case heading stamp **15-CR-374-LGS**, this case is for a co-defendant named Chris Lenyszyn who was the government's star rat until he lied under oath to the FTC. In fact Mr. Lenyszyn is white and was part owner of Williams, Scott & Associates LLC but never did a day in jail, white privilege is still alive and well in America, that's also called violation of the **Equal Protection law Class of one**. Also **(Exhibit-7)** complaint is not sealed but **(Exhibit-8)** is. **(3)** The indictment dated December 1, 2014 has "TWO" original copies, there should only be one "ORIGINAL" copy. **(Exhibit-6)** shows the first copy of the indictment assigned to Judge Annalisa Torres case no: **14-CR-784(AT)**. In the governments hast to create another indictment they mistakenly used case no: **14-CR-784-(RJS)** for Judge Richard Sullivan **(see Exhibit-5)**. However Judge Sullivan didn't join this case until June of 2016. All of the above due process violations are "FATAL ERRORS" by the government's employees and warrant a reversal of this case.

## **JURISDICTION**

2. This is a civil action for damages brought pursuant to the United States Constitution and **42 U.S.C. 1983, 1985** and the **Fourth, Fifth, Sixth, Seventh, Eighth and Fourteenth Amendments, 18 U.S.C. 1001,2**. Jurisdiction is founded on **28 U.S.C. 1331, 1332** and the aforementioned statutory and constitutional provisions. Plaintiff further invokes the pendent jurisdiction of this court to consider claims arising under federal law.



### **PLAINTIFFS**

3. Plaintiffs: John T Williams, Williams, Scott & Associates LLC, Legacy Payment System LLC, WSA LLC, Sterling, Ross & Associates LLC, Supreme Imports LLC, and WSA Williams Scott and Associates are all citizens and companies of the US.

### **DEFENDANTS**

4. Preet Bharara (AG Supervisor), a Defendant, at all times material to this complaint acting alone or in concert with others, at all times relevant hereto, Preet Bharara was the duly appointed AG of the state of New York. As such he was responsible for the training, supervision and conduct of his men. He is sued in his official capacity.

5. George Venizelos (FBI Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

6. Ricahrd Zabel (DAG Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

7. Nicole Friedlander (Supervisor AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**8.** Sam Olens (AG Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**9.** Sally Yates (AG Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**10.** Richard Frankel (FBI Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**11.** James Comey (FBI Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**12.** Darren Kible (FBI Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**13.** Edith Ramirez (FTC Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**14.** Valerie Verduse (FTC Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**15.** Jessica Rich (FTC Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**16.** Jonathan Nuechterlein (FTC Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**17.** William Effren (FTC Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**18.** Deborah Marrone (FTC Supervisor), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**19.** Catherine Wolfe (Supervisor COC), a Defendant, at all times relevant to the

incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**20.** Ruby Karjick (Supervisor COC), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**21.** James Hatten (Supervisor COC), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**22.** Michael Fuqua (Receiver), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**23.** Jennifer D Odom attorney for Bryan Cave LLP, a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**24.** Danielle C Parrington attorney for Bryan Cave LLP, a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**25.** Michael S Lewis (FTC), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**26.** Frank Franklin (UC), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**27.** Robin Rock (FTC-AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**28.** Marcela Mateo (FTC-AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**29.** Jill Jefferies (Probation), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**30.** Joseph D Stites( FBI), a Defendant, at all times relevant to the incidents

which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**31.** Patrick Carrol (FBI), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**32.** Kurt Dirker (FBI), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**33.** Timothy Brody (FBI), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**34.** Brian Comisky (FBI), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**35.** Kevin Song (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**36.** Jonathan Cohen (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**37.** Benet Kearney (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**38.** Richard Tarlowe (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**39.** Sarah Paul (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**40.** Jennifer Gachiri (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

**41.** Daniel Tehrani (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**42.** Jeffrey A Brown (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of his employment for the government. He is sued in his official capacity.

**43.** Laura D Pfister (AUSA), a Defendant, at all times relevant to the incidents which are the subject of this lawsuit were undertaken in the regular course of her employment for the government. She is sued in her official capacity.

## **FACTUAL ALLEGATIONS**

**44.** In the summer of 2012 the governor's process server and FBI agent Timothy Brody went by the plaintiff's house, the FBI was brandishing a firearm on his side in attempt to intimidate. They told the plaintiff that they had been by his office and heard through the door how his employees were talking to their customers.

**45.** The plaintiff explained that this matter was something to be handled by the civil courts, so if the customers wanted to file a complaint they had every right to under the FDCPA. The plaintiff then told the FBI to leave his property, this one incident started a malicious investigation into the plaintiff's life.



46. On May 28, 2014 at 6:00 am the FBI and the FTC raided the defendant's office Williams, Scott & Associates LLC using a fraudulent search warrant from case no: **1:14-MC-500, (see Exhibit-A)**. Simultaneously on May 27, 2014 the FTC filed a Complaint for permanent injunction for the same business at the same time, **(see Exhibit-L)** this was meant to confuse the plaintiff and allow the FTC to give the plaintiffs servers, and computers to the FBI for their criminal case. Magistrate Janet King only gave authority to the FTC's receiver Michael Fuqua to seize the companies' servers and documents, **(see Exhibit-14 page2)** but they ended up in the hands of the second circuit. This was done with total disregard for the rights of the plaintiff and of the United States Constitution. **Blatant Abuse of Process** and a violation of the **Warrant Order of the Fourth Amendment, Illegal Search and Seizure.**

47. The defendant's funds were immediately seized by the FTC on May 28, 2014 without warning crippling him from defending himself. By law Mr. Williams should have been provided counsel to defend his companies because a pro se litigant is not allowed to represent an entity, see , **Palazzo v. Gulf Oil Corp., 764F .2d 1381, 1385 (11<sup>th</sup> Cir. 1985) (stating that it is well established that artificial entities "cannot appear pro se[] and must be represented by counsel")**. This is a **Sixth Amendment violation of the right to legal representation.**

48. Defendant FBI conspired with the FTC to violate Mr. Williams's **Fourth, fifth, Sixth, eighth, and Fourteenth amendments** by simultaneously attacking him causing confusion, illegally searching and seizing his property with a fake

search warrant so he couldn't retain adequate counsel, then manufacturing a criminal and civil case against him. These allegations are proven with documents below.

49. Defendant FTC altered and manipulated documents using white out in order to seize 25k from Mr. Williams's Company WSA Williams Scott Associates, ein # 26-4663453, (**see Exhibits-T,U**) this company was not in the FTC's temporary restraining order, only WSA, LLC ein# 46-2809383 and Williams Scott & Associates LLC ein # 58-2677607 (**see Exhibits-T,U,V,W,X**). Also Mr. Williams's signature was also forged on the preliminary injunction on June 19, 2014 (**see Exhibit-Y**). This is a violation of **18 U.S.C. 1001,2**, also **Abuse of Process Tort** and **Fraud and Deceit Tort**. This was done in order to take the plaintiffs money to cripple him financially and make it impossible for him to hire a lawyer. Ultimately the civil case was used to start the criminal case leading to Mr. Williams's **False Imprisonment Tort** and causing **Emotion Distress IIED Tort**, plaintiff has been diagnosed with **PTSD**.

50. On October 22, 2014 defendant Supervisors had learned that Mr. Williams had exercised his constitutional and opened up a few new businesses (**see Exhibit-Q**), just reading this letter written by Robin Rock its apparent that she is highly upset. This caused defendant supervisors under color of law to intentionally, negligently and with complete and deliberate indifference for the plaintiffs rights, authorize an unconstitutional false arrest without getting a proper arrest warrant. All of the dockets and paperwork for the plaintiff and his co-defendants say they were arrested by rule 40 (**see Exhibits-H, I, J, K**) notice

how all the entries for 12/4/14 have been deleted on **(Exhibit-J)**. Mr. Williams showed that there was never a summons issued for him or his co-defendants so the government tried to change their story and say it was just a docket error and everybody was arrested by arrest warrants, so the agents had to start creating false arrest warrants, in their haste to cover their tracks and create more fake documents Mr. Williams received four different copies of arrest warrants over a two year period **(see Exhibits-1, 2, 3, 4)**. The plaintiff also asked for the recording for the Oral Order and the complaint that was supposedly filed on 11/12/14, the clerk's office never provided it, this is a violation of the federal rules of criminal procedure 4.1 were all testimony is supposed to be recorded under oath with transcript. This heinous conduct by the government is an **Abuse of Process Tort** along with **Fraud and Deceit Tort** which caused the plaintiff injury by **Infliction of Intentional Emotional distress (IIED) and Fifth Amendment Violation**.

51. On November 18, 2014 defendant supervisors, Preet Bharara AG, Richard Frankel FBI, Edith Ramirez FTC and James Hatten Clerk of courts along with many others under the color of federal law had Mr. Williams violently arrested at 5:00am by ten or more marshals. This was supposed to be a white collar crime, but the sinister government supervisors wanted to use their scare tactics on the plaintiff so they came at him like he was a drug lord violently throwing him to the floor of his home and putting a knee in his back while the other marshals illegally rummaged through his home. Mr. Williams thanks God his daughters weren't there to witness this. It's a shame that people like this are in positions of power and it's even more shameful when the courts pretend they don't see injustice. The worst part of it all is that they were breaking the law themselves because they

never had a legitimate arrest warrant. They intentionally, willingly, and with complete and deliberate indifference to plaintiff's rights caused Mr. Williams to be deprived of his constitutional rights including the **Fourth, Fifth, Sixth, Eight, and Fourteenth amendments.**

**52.** After the aforementioned arrest of the plaintiff defendant AUSA, FBI, FTC and the COC maliciously and without reasonable or probable cause went before a federal judge duly authorized to administer oaths and charged Mr. Williams with one count of Conspiracy to commit wire fraud, without charging him with the substantive crime of "Wire Fraud". This is Plain Error under **Rule 59(b)** and Actual Innocence and a miscarriage of justice. Mr. Williams's 2255 is being submitted soon with this new damning information that was just figured out by the plaintiff. Part of the government's scheme was to make sure there was no way for Mr. Williams to get any legal help. There are two "ORIGINAL" copies of the December 1, 2014 indictment in the plaintiffs discovery, one assigned to Judge Annalisa Torres and the other assigned to Judge Richard Sullivan, (**see Exhibits-5,6**) this further shows the despicable acts perpetrated by this gang of government thugs who assumed all minorities are stupid and can't comprehend. **This is Fraud and Deceit Tort, IIED Tort, and Abuse of Process Tort.**

**53.** Defendant Preet Bharara, Richard Frankel, Edith Ramirez, and James Hatten along with others, had this case on National Worldwide News. Plaintiff was humiliated by these vicious propensities of the defendants and shipped to the AUSA's government detention center in the Southern District of New York, all while defendants acted or attempted to act in the governments interest

thereupon causing restrictions on the plaintiffs liberty and causing embarrassment, humiliation, mental pain and suffering. **Violation of Stigma Plus Doctrine.**

54. On December 10, 2014 Mr. Williams was arraigned and held on "CONSENT" with "NO BAIL" without plaintiffs knowledge (**see Exhibit-E,F**) this trick was all part of the scheme to try and make Mr. Williams plea out but there plan backfired on them when the plaintiff wouldn't except there "TIME SERVED" plea deal. , due to the heinous acts of the government's agencies AUSA, FBI, FTC and COC, Mr. Williams remained falsely imprisoned away from his three daughters and 1500 miles away from his home until the plaintiffs conviction on July 12, 2016, threw his appeal he still remained a prisoner of the federal government, subjecting plaintiff to cruel and unusual punishment without the benefit of adequate counsel in **Violation of his rights under the Sixth and Eighth amendments.**

55. Defendant Supervisors, Preet Bharara, Richard Frankel, Edith Ramirez and Ruby Karjick along with others under the color of law, intentionally, willingly and with complete and deliberate indifference to plaintiffs rights, caused plaintiff to be deprived of his constitutional rights including but not limited to the **Fourth, Fifth, Sixth, Eight, and Fourteenth Amendments, 18 U.S.C. 1001, 2.**

56. As of January 15, 2019 many of the defendants involved in this case have had quiet departures from there lifelong government careers, three judges have retired as well as all of the supervisors named in this lawsuit. The following is a list of heinous and atrocious acts perpetrated by these supervisors.

**57.** Defendant AUSA, FTC, FBI and COC, under the color of federal law, intentionally, willingly, and with complete and deliberate indifference for plaintiff's rights, authorized and permitted, and tolerated the custom and practice of the unconstitutional and excessive use of tactics by members of the AUSA, FBI, FTC and COC. In particular by Defendant Supervisors by allowing:

### **VIOLATIONS OF THE FTCA TORT CLAIM ACT**

**56.** The abuse to which plaintiff was subjected was consistent with an institutionalized practice of the second circuit, which was known to and ratified by defendants and the government, the defendants having at no time taken any effective action to prevent federal personal from continuing to engage in such misconduct.

**57.** Supervisor defendants had prior notice of the vicious propensities of the employees but took no steps to train them, correct their abuse of authority, or to discourage their unlawful use of authority. The failure to properly train employees and instruct them in applicable federal law is supervisor liability, failure to intervene, and respondeat superior.

**58.** On information and fact Supervisor defendants Preet Bharara, Richard Frankel, Edith Ramirez and Ruby Krajack along with others authorized, tolerated as institutionalized practices, and ratified the misconduct hereinbefore detailed by:

## COUNT I

60. Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, Conspiring together to manufacture a criminal case against Mr. Williams and his company for acts that were known to be a civil matter. **Abuse of Process Tort, Fraud and Deceit Tort, 42 U.S.C. 1985.**

## COUNT II

61. Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, forged the Plaintiffs signature on the preliminary injunction on June 19, 2014 thereby causing all assets to be seized. They then conspired with the second circuit FBI and the USAO by starting a civil case with the sole intention of gathering discovery for the FBI's criminal case in New York. Eventually a default judgment of the civil case and a 5 year prison sentence in the criminal case left the plaintiff owing 3.9 million dollars for both cases for a total of 7.8 million dollars. **Abuse of Process Tort, Eighth amendment violation for Excessive Fine, Fraud and Deceit Tort, 42 U.S.C. 1985 Conspiracy, Fourteenth Amendment Equal protection clause, Fourth Amendment violation**

## COUNT III

**62.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, deliberately disseminated seized discovery with the FBI whom fabricated there search warrant to trick the plaintiff into believing the FBI had a right to use the discovery in the criminal case. **Fourth and Fifth Amendment violation, Abuse of Process, Fraud and Deceit tort.**

### **COUNT IV**

**63.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, blatantly froze several of plaintiff's companies' accounts improperly, also seizing company information from Supreme Imports LLC causing this car dealership of seven years to go out of business. **Abuse of Process tort, Fourth Amendment Violation, Fraud and Deceit tort, 42 U.S.C. 1985.**

### **COUNT V**

**64.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, deliberately failed to serve the plaintiff correctly causing a default judgment of 3.9 million dollars and banishment from the collection industry. **Abuse of Process Tort, 42 U.S.C. 1985.**



**65.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, violated the double jeopardy clause by punishing Mr. Williams twice; 3.9 million fine and banishment civilly, then 3.9 million fine and 5 years imprisonment criminally. **Fifth Amendment violation, Eighth Amendment violation cruel and unusual punishment.**

**66.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, did not follow proper procedures when they executed the first ex parte temporary restraining order on May 27, 2014, the FTC agents willingly participated in a conspiracy with the New York FBI to provide all the plaintiffs servers and documents thereby violating the warrant order given to the receiver Michael Fuqua of the FTC. To show proof of the collusion between the FTC and FBI (**Exhibit-G**) shows an email between Robin Rock of the FTC and Daniel Tehrani of the USAO of New York engaged in investigative work. **Abuse of Process Tort, Fourth and Fifth Amendment Violation, 42 U.S.C. 1985.**

## **COUNT VI**

**67.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, allowed their employees to put their names on fraudulent documents; Application and Affidavit for search warrant and search warrant in case no; **14-MC-500.**

**68.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie

Verduse FTC, and Catherine Wolfe COC, never had a legitimate indictment, complaint, or arrest warrant or arrest under **Rule 40**, no legitimate application and affidavit for search warrant or search warrant. **(See Exhibits-A,B,C,D, 1,2,3,4,5,6,7,8)**, The Indictment case heading stamp indicated that Judge Richard Sullivan was the judge on the case, he didn't join the case until June of 2016, the indictment was filed December 1, 2014 Annalisa Torres was the judge, also the same mistake was made several times for the fake complaint, the case heading stamps were either covered up or they kept changing **Fourth, Fifth, and Fourteenth Amendment violations, Fraud and Deceit tort, Abuse of Process tort, 42 U.S.C. 1985.**

## **COUNT VII**

**69.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, caused pain and suffering from (AVN), and mental pain and suffering from wrongful confinement, surgery will be needed for both hips, and plaintiff has been diagnosed with depression and **PTSD**.

**70.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, allowed plaintiff to be detained then denied bail at every turn, only to be detained excessively in pretrial detention for eighteen months before he finally went to trial. Every one of the government supervisors planned this heinous plot against the plaintiff years in advance as shown in **(Exhibits-E and F)** once they falsely arrested Mr. Williams they were not going to let him go. Judge Ronald Ellis held the plaintiff on "CONSENT" without

him knowing (**see Exhibit-E page9**). Mr. Williams was offered a plea of time served several times by his attorneys, but he refused, none of the plaintiffs co-defendants ever spent a night in jail. **Excessive pretrial detention, Consent on bail by crooked Judge Ellis, Eighth Amendment violation, Intentional Infliction of Emotional Distress, Fifth and Sixth Amendment violation ineffective assistance of counsel, Abuse of Process Tort along with Fraud and Deceit Tort, 42 U.S.C. 1985.**

## **COUNT VIII**

**71.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, intentionally had plaintiff thrown in the SHU during the start of his trial for no reason, plaintiff later found out that this was another shock tactic used by the defendants. **Abuse of Process, Wrongful Confinement, Loss of liberty, Abuse of process, IIED, Fraud and Deceit tort. Eighth Amendment violation.**

**72.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, conspired with the Brooklyn MDC, and FCI Marianna's mailroom to tamper and hinder the plaintiffs mail denying him access to the courts. **Abuse of Process, 42 U.S.C. 1985.**

## COUNT IX

73. Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, deliberately misclassifying plaintiff in order to send him to a violent FCI facility whereby endangering his life as a prisoner. Butner low was recommended by the judge because of plaintiffs medical condition, but he never made it there.

74. Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, conspired with the clerk's office of the S.D.N.Y. to violate due process laws by altering and changing docket information.

75. Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, allowed the sealing of appeal documents without proper procedure, also deliberately filing incorrect motion orders and docket entries.

76. Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, knowingly and willingly changed docket information in attempt to fix the case against plaintiff. **Abuse of Process Tort, Fifth Eighth and Fourteenth Amendment Violation cruel and unusual punishment, Fraud and Deceit tort, Intentional Infliction of Emotional distress, 42 U.S.C. 1985.**

## COUNT X

**77.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, allowed plaintiff to be extradited to the S.D.N.Y. without a proper warrant.

**78.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, caused irreparable damage to all of the plaintiffs businesses listed in this complaint, inventory, office furniture, past present and future earnings.

**79.** Defendant Supervisors, Preet Bharara AG, George Venizelos FBI, Valerie Verduse FTC, and Catherine Wolfe COC, showed complete racism and prejudice against plaintiff by treating his company different from all the other companies that had the same allegations, the difference was made because plaintiff is black and of a different class, also reputational and stigmatizing statements that embarrassed and harmed the plaintiff personally and professionally. The fake news reports destroyed the plaintiff's reputation forever. **Abuse of Process Tort, Fourteenth Amendment violation, equal protection of the law Class of one, Stigma Plus, nor shall any state deprive a person of life liberty or property without due process of the law, 42 U.S.C. 1985.**

## **FEDERAL CAUSES OF ACTION**

**80.** The allegations set forth in paragraphs 1 through 79 are incorporated herein by reference:

**81.** The hereinabove described actions and omissions, engaged in under color of federal law by the defendants are being sued in their official capacity, because of its authorization, condonation, and ratification for the acts of its agents, deprived the plaintiff of rights secured to him by the constitution of the United States, including but not limited to, his fourth amendment right from unlawful search and seizure, his fifth amendment rights to due process of the law and a grand jury, and protection against double jeopardy, nor be denied of life liberty or property without due process ,sixth amendment rights to a speedy trial, and the access to a lawyer eighth amendment right against cruel and unusual punishment, and excessive bail shall not be required nor excess fines be imposed and fourteenth amendment, the right to life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal

protection of the laws "Class of one".

**82.** The acts and conduct hereinbefore alleged constitute false arrest and imprisonment, malicious prosecution, loss of liberty, malicious abuse of process, denial of the right to a fair trial, failure to intervene/intercede, supervisory liability, respondeat superior, tangible property, stigma plus, reputational and business harm, intentional infliction of emotional distress, negligent infliction of emotional distress, IIED NIED, equal protection clause class of one, procedural due process and substantive due process violations, fourth, fifth, sixth, seventh, eighth and fourteenth amendment violations, fraud and false statements by the government in violation of **18 U.S.C. C1001,2, 42 U.S.C. 1983, 1985** This court has pendent jurisdiction to hear and adjudicate these claims.

## **COMPENSATORY DAMAGES**

New York law (the common law tort of false imprisonment). Under both federal and state law, a person who is falsely arrested is entitled to compensation for **(1)** loss of liberty, and **(2)** physical and/or emotional pain

and suffering caused by the false arrest. (Injuries caused by excessive force and malicious prosecution are compensated separately.) Importantly, a person who is falsely arrested is legally entitled to compensation for loss of liberty (to redress denial of free movement and harm to personal dignity), even if he or she does not experience any additional physical or emotional pain and suffering. **See Kerman v. City of New York, 374 F.3d 93,123-126 (2d Cir. 2004); Gardner v. Federated Department Stores, Inc., 907 F.2d 1348, 1353 (2d Cir. 1990).** Obviously, a person who suffers more harm, including physical and/or emotional injuries, would be entitled to more compensation than a person who suffers less harm, including only loss of liberty.

Nevertheless, “even absent such other injuries, an award of several thousand dollars may be appropriate simply for several hours’ loss of liberty.” **Kerman, supra, at 125-126.** **ALSO In Martinez v. Port Authority of New York and New Jersey, 445 F.3d 158, 160-161 (2d Cir. 2006) (per curiam),** the Second Circuit affirmed the lower court’s ruling that **\$160,000** was reasonable compensation for approximately **19 hours** in custody, or **\$8421 per hour.** **In Martinez v. Port Authority of New York and New Jersey, 445 F.3d 158, 160-161 (2d Cir. 2006) (per curiam),** the Second Circuit



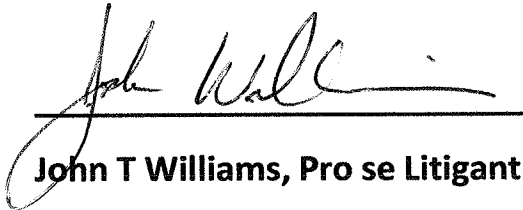
affirmed the lower court's ruling that **\$160,000** was reasonable compensation for approximately **19 hours** in custody, or **\$8421 per hour**. Plaintiff was wrongly imprisoned for **48 months** and still remains on probation for three years until this case is overturned.

- Compensatory damages in the amount of **291,029,760.00** for each government agency involved in the conspiracy.
- Damages for Williams, Scott & Associates LLC is roughly **77 Million** a professional will have to adjust the number at a later date.
- Damages for WSA, LLC is roughly **77 Million**.
- Damages for Supreme Imports LLC is roughly **25 Million**.
- Damages for Sterling, Ross & Associates LP roughly **40 Million**.
- Damages for Legacy Payment Systems LLC is roughly **40 Million**.
- Mental and emotional distress will have to be determined by a professional at a later date.

- Damages from money seized illegally from businesses without interest or future earnings **55,789.14**.

**WHEREFORE**, Plaintiff demands the following relief jointly and severally,  
against the United States of America:

**DATE: April 5, 2019:**  
**Jonesboro Ga:**

A handwritten signature in black ink, appearing to read "John Williams", is written over a horizontal line.

**John T Williams, Pro se Litigant**

**437 Kendrick Est Dr**

**Jonesboro, Ga 30238**

**Black Lives Matter Greater Atlanta Inc.**

**260 Peachtree St #22**

**Atlanta, Ga 30303**

**Legal Assistant Counselors**

**Maejor Page**

**Mary Hooks**

Mod AO 442 (09/13) Arrest Warrant AUSA ne &amp; Telno:

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

JOHN TODD WILLIAMS

Case No.

14 MAG 2546

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to commit wire fraud.

Date: NOV 12 2014

City and state: New York, New York



Issuing officer's signature

Magistrate Judge Sarah Netburn

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_

at (city and state) \_\_\_\_\_

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

Exhibit-1

Mod AO 442 (09/13) Arrest Warrant AUSA Name &amp; Telno:

Fraudulent Document

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

JOHN TODD WILLIAMS

Case No.

14 MAG 2546

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

who is accused of an offense or violation based on the following document filed with the court:

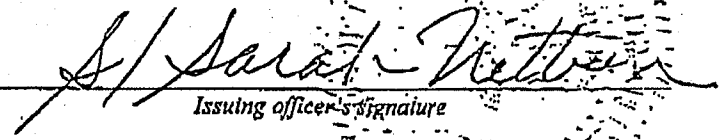
☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to commit wire fraud

NOV 12 2014

Date: \_\_\_\_\_

City and state: New York, New York


Issuing officer's signature

Magistrate Judge Sarah Netburn

Printed name and title

## Return

This warrant was received on (date) 11/17/14, and the person was arrested on (date) 11/18/14  
 at (city and state) Noncross, GA

Date: 11/18/14


Arresting officer's signature

JOSEPH D. STITES

Printed name and title

Exhibit-2

Mod AO 442 (09/13) Arrest Warrant AUSA Name & Telno:

# UNITED STATES DISTRICT COURT

for the  
Southern District of New York

United States of America  
v.  
JOHN TODD WILLIAMS

Case No.  
14 MAG 2546

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested)  
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

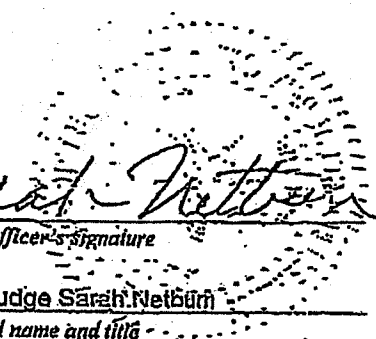
This offense is briefly described as follows:

Conspiracy to commit wire fraud

NOV 12 2014

Date: \_\_\_\_\_

City and state: New York, New York

  
S/ Sarah Netburn  
Issuing officer's signature  
Magistrate Judge Sarah Netburn  
Printed name and title

Return	
This warrant was received on (date)	<u>11/17/14</u> , and the person was arrested on (date) <u>11/18/14</u>
at (city and state)	<u>Noncross, GA</u>
Date:	<u>11/18/14</u>
<u>Joseph D. Stites</u> Arresting officer's signature <u>JOSEPH D. STITES</u> Printed name and title	

Exhibit-2A

ORIGINAL

## UNITED STATES DISTRICT COURT

for the

Southern District of New York NOV 12 2014

United States of America

v.

JOHN TODD WILLIAMS

Defendant

Case No.

14 MAG 2546

DOC # 2

## ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to commit wire fraud

Date:

11/12/14

Issuing officer's signature

City and state: New York, New York

Magistrate Judge Sarah Netburn

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date:

Arresting officer's signature

Printed name and title

Exhibit-3

Mod AO 442 (09/13) Arrest Warrant AUSA Name &amp; Telno:

ORIGINAL

## UNITED STATES DISTRICT COURT

for the

Southern District of New York NOV 12 2014

United States of America  
v.

JOHN TODD WILLIAMS

Defendant

Case No. 14 MAG 2546

DOC # 2

## ARREST WARRANT

To: Any authorized law enforcement officer.

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay  
 (name of person to be arrested) \_\_\_\_\_  
 who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint  
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to commit wire fraud

Date:

11/12/14

City and state: New York, New York

Issuing officer's signature

Magistrate Judge Sarah Nelburn

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
 at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

Exhibit - 4

FAKE indictment ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

WILLIAMS SCOTT & ASSOCIATES, LLC,  
a/k/a "WSA,"

a/k/a "Warrant Services  
Association," and

JOHN TODD WILLIAMS,

a/k/a "JT,"

a/k/a "Joe Steele,"

Defendants.

INDICTMENT

14 Cr CRIM 784

USDC SDNY  
DOCUMENT

DATE FILED: DEC 9 1 2014

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about 2009, up to and including in or about May 2014, in the Southern District of New York and elsewhere, WILLIAMS SCOTT & ASSOCIATES, LLC, a/k/a "WSA," a/k/a "Warrant Services Association," and JOHN TODD WILLIAMS, a/k/a "JT," a/k/a "Joe Steele," the defendants, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit an offense against the United States, to wit, wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that WILLIAMS SCOTT & ASSOCIATES, LLC, a/k/a "WSA," a/k/a "Warrant Services Association," and JOHN TODD WILLIAMS, a/k/a "JT," a/k/a "Joe Steele,"

JUDGE TORRES

Exhibit-5



the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, WILLIAMS and employees of WILLIAMS SCOTT & ASSOCIATES, LLC engaged in a scheme to make false and fraudulent representations over the phone and by electronic mail in order to convince victims to pay purported debts.

OVERT ACT

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about May 21, 2014, a co-conspirator not named as a defendant herein made false and fraudulent representations over the telephone in an effort to trick a victim into paying a purported debt.

(Title 18, United States Code, Section 1349.)

FORFEITURE ALLEGATION

4. As the result of committing the offense charged in Count One of this Indictment, JOHN TODD WILLIAMS, a/k/a "JT," a/k/a "Joe Steele," and WILLIAMS SCOTT & ASSOCIATES, LLC, a/k/a "WSA," a/k/a "Warrant Services Association," the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, in the amount of at least \$4.1 million, including but not limited to the following:

a. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments, and easements, located at 3275 Wyntree Drive, Norcross, Georgia.

Substitute Assets Provision

5. If any of the above described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;


it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property, including but not limited to the following:

a. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments, and easements, located at 3275 Wyntree Drive, Norcross, Georgia; and

b. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments, and easements, located at 1210 Milton Terrace SE, Atlanta, Georgia.

(Title 18, United States Code, Sections 981 and 982;  
Title 21, United States Code, Section 853;  
Title 28, United States Code, Section 2461.)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

WILLIAMS SCOTT & ASSOCIATES, LLC,  
a/k/a "WSA,"  
a/k/a "Warrant Services Association,"  
JOHN TODD WILLIAMS,  
a/k/a "JT,"  
a/k/a "Joe Steele,"

Defendants.

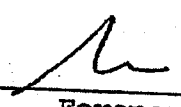
SEALED INDICTMENT

14 Cr.

(18 U.S.C. § 1349.)

PREET BHARARA  
United States Attorney.

A TRUE BILL

  
Foreperson.

12/1/14 - Filed Indictment  
cc  
Case assigned to Judge Torres  
Judge Meas  
J USMJ.

Exhibit-5

*FRAUDULENT DOCUMENT*

*ORIGINAL*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

WILLIAMS SCOTT & ASSOCIATES, LLC,

a/k/a "WSA,"

a/k/a "Warrant Services  
Association," and

JOHN TODD WILLIAMS,

a/k/a "JT,"

a/k/a "Joe Steele,"

Defendants.

INDICTMENT

14 Cr CRIM 784

USDC SDNY  
DOCUMENT

DATE FILED: DEC 01 2014

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about 2009, up to and including in or about May 2014, in the Southern District of New York and elsewhere, WILLIAMS SCOTT & ASSOCIATES, LLC, a/k/a "WSA," a/k/a "Warrant Services Association," and JOHN TODD WILLIAMS, a/k/a "JT," a/k/a "Joe Steele," the defendants, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit an offense against the United States, to wit, wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that WILLIAMS SCOTT & ASSOCIATES, LLC, a/k/a "WSA," a/k/a "Warrant Services Association," and JOHN TODD WILLIAMS, a/k/a "JT," a/k/a "Joe Steele,"

JUDGE TORRES

*Exhibit-6*

Case 16-4186, Document 212, 10/18/2017, 2151517, Page 5 of 12

*\* CASE READING STAMP HAS BEEN COVERED UP. \***\* ALSO NOT A SEALED COMPLAINT. \**Approved: *[Signature]*DANIEL B. TEHRANI  
Assistant United States AttorneyBefore: THE HONORABLE SARAH NETBURN  
United States Magistrate Judge  
Southern District of New York**14 MAG 2546**

----- X

UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
- v. -	:	Violation of 18 U.S.C. § 1349
WILLIAMS SCOTT & ASSOCIATES, LLC,	:	
a/k/a "WSA,"	:	COUNTIES OF OFFENSE:
a/k/a "Warrant Services Association,"	:	NEW YORK, BRONX,
JOHN TODD WILLIAMS,	:	WESTCHESTER
a/k/a "JT,"	:	
a/k/a "Joe Steele,"	:	
BENITA CANNEDY,	:	
a/k/a "Sharon Wright,"	:	
RUDY JAMES,	:	
a/k/a "Ricky Kelly,"	:	
a/k/a "Robert French,"	:	
ARTHUR COOK,	:	
a/k/a "Ace Rogers,"	:	
CHRISTOPHER LENYSZYN,	:	
a/k/a "Dan Miller,"	:	
CLARK SMITH,	:	
a/k/a "Mr. Cline," and	:	
TITUS MCDOWELL,	:	
a/k/a "Mr. McDowell,"	:	
Defendants.	:	

----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRIAN COMISKY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

*Exhibit-7*

NOV 12 2014

ORIGINAL

Approved:

DANIEL B. TEHRANI  
Assistant United States Attorney

Before: THE HONORABLE SARAH NETBURN  
United States Magistrate Judge  
Southern District of New York

14 MAG 2546  
DOC # 1

UNITED STATES OF AMERICA

- v. -

WILLIAMS SCOTT & ASSOCIATES, LLC,  
a/k/a "WSA,"

a/k/a "Warrant Services  
Association,"

JOHN TODD WILLIAMS,

a/k/a "JT,"

a/k/a "Joe Steele,"

BENITA CANNEDY,

a/k/a "Sharon Wright,"

RUDY JAMES,

a/k/a "Ricky Kelly,"

a/k/a "Robert French,"

ARTHUR COOK,

a/k/a "Ace Rogers,"

CHRISTOPHER LENYSZYN,

a/k/a "Dan Miller,"

CLARK SMITH,

a/k/a "Mr. Cline," and

TITUS MCDOWELL,

a/k/a "Mr. McDowell,"

Defendants.

SEALED

COMPLAINT

Violation of 18 U.S.C. §  
1349

COUNTIES OF OFFENSE:  
NEW YORK, BRONX,  
WESTCHESTER

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRIAN COMISKY, being duly sworn, deposes and says that  
he is a Special Agent with the Federal Bureau of Investigation  
("FBI"), and charges as follows:

Exhibit-8

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

JOHN T. WILLIAMS,	:	PRISONER DIVERSITY ACTION
Plaintiff,	:	28 U.S.C. § 1332
	:	
v.	:	
	:	
MICHAEL FUQUA, Receiver,	:	CIVIL ACTION NO.
TIMOTHY BRODY, FBI,	:	1:16-CV-0986-MHC-JFK
Defendants.	:	

**UNITED STATES MAGISTRATE JUDGE'S  
FINAL REPORT AND RECOMMENDATION**

Plaintiff, John T. Williams, confined in the Metropolitan Detention Center in Brooklyn, New York, has submitted a *pro se* civil diversity complaint. Plaintiff was granted *in forma pauperis* status, and the Court accepts Plaintiff's explanation [12] in regard to the delayed payment of the initial partial filing fee. Accordingly, the matter is before the Court on the second amended complaint [5]<sup>1</sup> for preliminary review and on Plaintiff's letter-motion to stay this action [7].

---

<sup>1</sup>The amended complaint at docket entry five is the operative complaint in this action. (See Order of May 31, 2016, ECF No. 6).



all relevant respects[,]" and that (3) defendants have intentionally treated him differently, (4) without any rational basis. Campbell v. Rainbow City, Ala., 434 F.3d 1306, 1314 (11th Cir. 2006) (quoting Racine Charter One, Inc. v. Racine Unified School Dist., 424 F.3d 677, 680 (7th Cir. 2005)) (internal quotation marks omitted).

Lenyszyn is the only potential comparator that Plaintiff sets forth, and Plaintiff's allegations do not show that he and Lenyszyn were identical in all relevant respects. Further, a review of the FTC action and criminal proceedings against Lenyszyn simply do not support an equal protection claim based on different treatment of Plaintiff and Lenyszyn.

**C. Lack of Probable Cause for the Raid and Locking Plaintiff Out of His Business Premises**

Here, Defendants may not be held liable for entering and taking control of Plaintiff's business premises as ordered by the court in Williams-FTC.<sup>6</sup> See Schopler v. Bliss, 903 F.2d 1373, 1380 (11th Cir. 1990) ("Officials who perform judicial, prosecutorial, or legislative functions traditionally have been afforded absolute immunity from suit."); Valdez v. City & Cty. of Denver, 878 F.2d 1285, 1288 (10th

---

<sup>6</sup>Although Plaintiff states that Defendants violated the warrant order, the court's order gave broad authority to the receiver, as the court's agent, to take exclusive control over all assets and documents of the Receivership Defendants. Order Granting TRO at 19.

Cir. 1989) (“Our sister circuits addressing the question likewise agree with virtual unanimity that court officers sworn to execute court orders are shielded by absolute immunity in the performance of their duty.”); Property Management & Invs., Inc. v. Lewis, 752 F.2d 599, 602 (11th Cir.1985) (“Appellant concedes that court-appointed receivers . . . enjoy judicial immunity for acts within the scope of their authority[.]”); Cox v. Washington, No. 14-05923RBL, 2015 WL 5825736, at \*5 (W.D. Wash. Oct. 6, 2015) (“Persons who execute court orders similarly have absolute quasi-judicial immunity.” (citing Briscoe v. LaHue, 460 U.S. 325, 335 (1983))).

**V. Conclusion**

For the reasons stated above,

**IT IS RECOMMENDED** that this action be **DISMISSED** for lack of jurisdiction under § 1332 and otherwise **DISMISSED** for failure to state a claim.<sup>7</sup>

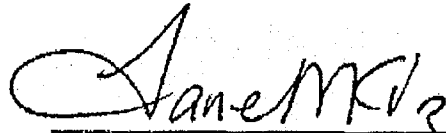
**IT IS ORDERED** that Plaintiff’s motion to stay [7] is **DENIED** as moot.

The Clerk is **DIRECTED** to withdraw the reference to the Magistrate Judge.

---

<sup>7</sup>As set forth in the separately filed Order for Service, Petitioner will have the opportunity to present his objections to the *sua sponte* entry of this Report and Recommendation, and the District Court will review the objections *de novo*.

**IT IS SO RECOMMENDED, ORDERED, AND DIRECTED**, this 5th day  
of December, 2016.

  
\_\_\_\_\_  
JANET F. KING  
UNITED STATES MAGISTRATE JUDGE

*Compare Janet King's signature stamp to  
the signature on the search warrant.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

v. *NO NAME!*  
3850 HOLCOMB BRIDGE ROAD,  
SUITE 150, NORCROSS, GEORGIA,  
30092,

Defendant.

MISCELLANEOUS NO.

1:14-MC-500-JFK

**ORDER**

Pending before the Court is a Motion [Doc. 4] to be Granted to View Sealed Documents, filed in the above-referenced case by Scott Williams ("Williams"). Williams identifies himself in the motion as "Defendant Appellant" and represents that he seeks access to the sealed documents in 1:14-MC-500-JFK for use in his direct appeal following conviction in the Southern District of New York. [Doc. 4 at 1]. Also pending before the Court is a second document filed on August 21, 2017, moving for the unsealing of the instant case for the same purpose. [Doc. 5].

On August 23, 2017, the undersigned directed the U.S. Attorney's Office to respond to Williams' request(s) in writing within fourteen (14) days. [Doc. 6].

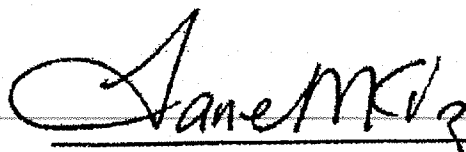
*Exhibit-15*

On September 13, 2017, apparently in lieu of filing a separate written response to the undersigned's August 23, 2017, order [Doc. 6], the government moved to unseal the search warrant, application for search warrant, and affidavit in support of the application for search warrant in 1:14-MC-500-JFK. [Doc. 8]. On September 13, 2017, the Honorable Justin S. Anand, U.S. Magistrate Judge, granted the government's motion to unseal. [Doc. 9]. In light of Magistrate Judge Anand's order, the sealing of documents is no longer an obstacle for Williams and there is no reason for precluding Williams the access he seeks. Accordingly, to the extent Williams moved for leave of the Court to request the previously sealed documents in 1:14-MC-500-JFK from the Clerk, Williams' request will be granted.

**IT IS THEREFORE ORDERED** and **ADJUDGED** that Williams' Motion [Doc. 4] is hereby **GRANTED** and his Motion [Doc. 5] requesting the unsealing of 1:14-MC-500-JFK is rendered **MOOT**.

**IT IS SO ORDERED**, this the 20<sup>th</sup> day of September, 2017.

Real Signature →

  
 JANET F. KING  
 UNITED STATES MAGISTRATE JUDGE

2  
 Exhibit-15

(USAO GAN 6/10) Affidavit for Search Warrant

DUPLICATE

United States District Court

FILED IN CHAMBERS  
U.S.D.C. Atlanta

NORTHERN DISTRICT OF GEORGIA

MAY 28 2014

In the Matter of the Search of  
(Name, address or brief description of person or property to be search)

JAMES M. HATTEN, Clerk

APPLICATION AND AFFIDAVIT  
Deputy Clerk

Blank!

FOR SEARCH WARRANT

In the Matter of the Search of the premise:  
3850 Holcomb Bridge Road, Suite 150  
Norcross, Georgia 30092

CASE NUMBER: 1:14-MC-500

UNDER SEAL

I, Timothy Brody, being duly sworn depose and say:

I am Special Agent of the Federal Bureau of Investigation and have reason to believe that on the property or premises known as

Blank!

3850 Holcomb Bridge Road, Suite 150, Norcross, Georgia 30092 (as more fully described in Attachment A)

there is now concealed a certain person or property, namely,

See Attachment B

which constitutes evidence of the commission of a criminal offense and property which has been used as the means of committing a criminal offense, concerning violations of Title 18, United States Code, Section(s) 912, 1343, and 1349. The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.

(X) Yes ( ) No

Signature of Affiant  
Timothy Brody

Sworn to before me, and subscribed in my presence

May 28, 2014  
Date and Time Issued

at Atlanta, Georgia  
City and State

Janet F. King  
United States Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

AUSA Jeffrey A. Brown

Exhibit-A

FAKE SIGNATURE

023401

DUPLICATE

FILED IN CHAMBERS  
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MAY 28 2014

JAMES N. HATTEN, Clerk

By: *[Signature]*  
Deputy Clerk

IN THE MATTER OF THE SEARCH OF: : CRIMINAL ACTION  
*Blank* : NO.: 1:14-MC-500  
3850 Holcomb Bridge Road, Suite 150:  
Norcross, Georgia 30092 :  
: Under Seal  
:

MOTION TO SEAL SEARCH WARRANT AND RELATED MATERIALS

The United States of America, by and through counsel, Sally Quillian Yates, United States Attorney for the Northern District of Georgia, and Jeffrey A. Brown, Assistant United States Attorney, respectfully requests that the above-captioned search warrant, search warrant application and affidavit (and any attachments thereto), and motion and order to seal, be sealed.

In support of its motion, the United States submits as follows:

The instant search warrant is sought in connection with a pending federal criminal investigation. In that regard, disclosing the search warrant pleadings would alert the investigation targets that they are under investigation and would likely adversely affect this case by causing its targets: (1) to destroy or tamper with evidence; (2) to become more clandestine in their operations and conduct; and (3) to flee the jurisdiction. In re Sealed Affidavit(s) to Search Warrants, 600 F.2d 1256, 1257-58 (9th Cir. 1979); see

*Exhibit A1*

023390

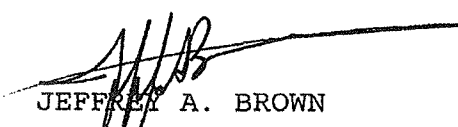
Washington Post v. Robinson, 935 F.2d 282, 290 (D.C. Cir. 1991); see also United States v. Gomez, 323 F.3d 1305, 1307 (11th Cir. 2003) ("The district courts have substantial supervisory powers over their records and files").

WHEREFORE, the United States respectfully requests that the Court issue an order that the above-captioned search warrant, search warrant application and affidavit (and any attachments thereto), motion to seal and order be filed under seal until further order of this Court.

Dated: May 28, 2014.

Respectfully submitted,

SALLY QUILLIAN YATES  
UNITED STATES ATTORNEY



JEFFREY A. BROWN  
ASSISTANT UNITED STATES ATTORNEY  
75 Spring Street, SW, Suite 600  
Atlanta, GA 30303  
404.581.6047; Fax: 404.581.6181  
Georgia Bar No. 088131

*Exhibit-A1*

023391



FILED IN CHAMBERS  
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MAY 28 2014

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

IN THE MATTER OF THE SEARCH OF: : CRIMINAL ACTION  
: NO.: 1:14-MC-500  
3850 Holcomb Bridge Road, Suite 150:  
Norcross, Georgia 30092 :  
: Under Seal


SEALING ORDER

Having read and considered the Government's Motion to Seal  
Search Warrant and Related Materials, and for good cause shown:

IT IS HEREBY ORDERED that the above-captioned search warrant,  
search warrant application and affidavit (and any attachments  
thereto), and motion and Order to seal, be SEALED.

SO ORDERED, May 28, 2014.

*Fake Signature* →

  
\_\_\_\_\_  
JANET F. KING  
UNITED STATES MAGISTRATE JUDGE

Prepared by  
Jeffrey A. Brown, AUSA

*Exhibit-A1*

023392

contains and opening a drawer believed to contain pertinent files); "opening" or reading the first few "pages" of such files in order to determine their precise contents; "scanning" storage areas to discover and possibly recover recently deleted data; scanning storage areas for deliberately hidden files; and performing electronic "key-word" searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are related to the subject matter of the investigation.

3. In searching the data, the computer personnel may examine all of the data contained in the computer devices to view its precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover "deleted," "hidden," or encrypted data to determine whether the data falls within the list of items set forth herein.

4. In conducting the search of the computer devices, the government shall make reasonable efforts to utilize computer search methodology to search only for files, documents, or other electronically stored information which are identified in the search warrant itself.

LAST Page of Application and Affidavit  
for Search Warrant. No Signature page!  
OATH + Affirmation

EXHIBIT-B

(USAO GAN 6/10) Search Warrant

*Fraudulent Document*

DUPLICATE

United States District Court  
NORTHERN DISTRICT OF GEORGIA

*No Stamped Seal*

In the Matter of the Search of  
(Name, address or brief description of person or property to be search)

*Blank*

SEARCH WARRANT

In the Matter of the Search of the premise:  
3850 Holcomb Bridge Road, Suite 150  
Norcross, Georgia 30092

CASE NUMBER: 1:14-MC-500

UNDER SEAL

TO: Special Agent Timothy Brody, Federal Bureau of Investigation, and any Authorized Officer of the United States

Affidavit(s) having been made before me by Timothy Brody who has reason to believe that on the property or premises known as

*Blank*

3850 Holcomb Bridge Road, Suite 150, Norcross, Georgia 30092 (as more fully described in Attachment A)

there is now concealed a certain person or property, namely

See Attachment B

which constitutes evidence of the commission of a criminal offense and property which has been used as the means of committing a criminal offense, concerning violations of Title 18, United States Code, Sections 912, 1343 and 1349. I find that the affidavit establishes probable cause to search and seize the person or property from the person or premises described above.

YOU ARE HEREBY COMMANDED to execute this warrant on or before June 11, 2014  
DATE

(not to exceed 14 days) IN THE DAYTIME - 6:00 A.M. - 10:00 P.M. - You must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave a copy of the warrant and receipt at the place where the property was taken. The officer executing the warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Janet F. King.

May 28, 2014 @ 12:21pm  
Date and Time Issued

at Atlanta, Georgia  
City and State

Janet F. King  
United States Magistrate Judge  
Name and Title of Judicial Officer

AUSA Jeffrey A. Brown

*Jan 3*  
Signature of Judicial Officer

*Fake Signature*

*Exhibit-C*

(USAO GAN 6/10) Search and Seizure Warrant (Page 2)

<b>RETURN</b>		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of		
Inventory of the property taken and name of any persons(s) seized:		
<p><i>Blank Certification Page</i></p> <p><i>No Signatures, NO Search Warrant!</i></p>		
<b>CERTIFICATION</b>		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>		
Date: _____	<p>_____ Executing officer's signature</p> <p>_____ Printed name and title</p>	

*Exhibit-D*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: :  
UNITED STATES OF AMERICA, : Docket #14cr784  
: 1:14-cr-00784-RJS-2  
Plaintiffs, :  
- against - :  
WILLIAMS, et al., : New York, New York  
: December 12, 2014  
Defendants. :

-----

PROCEEDINGS BEFORE  
THE HONORABLE RONALD ELLIS  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES:

For Plaintiffs: U.S. ATTORNEY'S OFFICE  
SOUTHERN DISTRICT OF NEW YORK  
BY: JENNIFER GACHIRI, ESQ.  
DANIEL BEN TEHRANI, ESQ.  
One Saint Andrew's Plaza  
New York, New York 10007  
(212) 637-2209

For Defendant: FOX ROTHSCHILD  
BY: ROBERT WILLIAM RAY, ESQ.  
101 Park Avenue, Suite 1700  
New York, New York 10178  
(212) 878-7900

Transcription Service: Carole Ludwig, Transcription Services  
141 East Third Street #3E  
New York, New York 10009  
Phone: (212) 420-0771  
Fax: (212) 420-6007

Proceedings recorded by electronic sound recording;  
Transcript produced by transcription service

Exhibit-E

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7

enter a not guilty plea in connection with the indictment.  
And in any event, we waive its public reading.

THE COURT: This was not referred for  
arraignment, was it?

MS. GACHIRI: It was, Your Honor.

THE COURT: Okay.

MR. RAY: In that case, he's prepared a not  
guilty plea to the indictment.

THE COURT: Mr. Williams, how do you plead to --  
it appears to be a one-count indictment, so how do you  
plead to the indictment?

MR. RAY: I'm not guilty.

THE COURT: Do you have bail?

MS. GACHIRI: Your Honor, the government is  
seeking detention.

THE COURT: Mr. Ray?

MR. RAY: Your Honor, as this is his first  
appearance in the District, I would request under the  
statute a continuance of five days. I understand that my  
client, Mr. Williams, may be securing retained counsel that  
would be hired by his family. There's apparently a lawyer  
in Buffalo that I have been in touch with.

It's going to require a few days to sort that out  
and also to make arrangements with regard to any potential

EXHIBIT-E

1

8

2 cosigners, and possible property that may be posted that we  
3 would submit an appropriate application. I would request  
4 the five days under the statute until next week, although  
5 that may in some sense be preempted by what I understand to  
6 be the first appearance before the district court, which is  
7 scheduled for Monday.

8

THE COURT: Is that correct?

9

MS. GACHIRI: That's correct. A pretrial  
10 conference is scheduled before Judge Torres on Monday at  
11 4:30, Your Honor.

12

THE COURT: And Monday is the 14th?

13

MS. GACHIRI: The 15th, Your Honor.

14

THE COURT: Fifteenth. And what time?

15

MS. GACHIRI: At 4:30 p.m.

16

MR. RAY: What I don't know, Your Honor, is  
17 whether or not the matter of bail has been referred to Your  
18 Honor, so I don't know whether I'm supposed to make that  
19 application before the district court, or whether there  
20 should be a schedule before a magistrate judge for next  
21 week.

22

THE COURT: Well, usually when the case is  
23 referred for presentment, it's implicit that the magistrate  
24 judge will take up the issue of bail. Considering that you  
25 will be appearing before -- or that the defendant will be

Exhibit-E

1  
2 appearing before Judge Torres on Monday, she of course  
3 could decide that she wants to refer it back for that  
4 purpose.

5 MR. RAY: Okay. That's fine. I mean, my five  
6 days would otherwise run. I think Wednesday next week. But  
7 since we have an earlier court appearance, we'll address  
8 that issue on Monday.

9 THE COURT: Well why don't we put -- well we  
10 could -- okay. In that case, why don't we put it down as  
11 detention on consent. When you take it up with Judge  
12 Torres, she can either take care of it herself or refer it  
13 back down to magistrate judges court.

14 MR. RAY: Okay. Thank you, Your Honor.

15 THE COURT: Anything else?

16 MR. RAY: No, Your Honor. Go ahead.

17 MS. GACHIRI: Yes, Your Honor, the government  
18 moves to exclude time between today and Monday in the  
19 interest of justice.

20 MR. RAY: There's no objection to that.

21 THE COURT: Time will be excluded until Monday.  
22 Anything else?

23 MS. GACHIRI: Nothing from the government, Your  
24 Honor.

25 MR. RAY: No, Your Honor, thank you.

Exhibit-E



Ecf4wil

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

14 CR 00784 (AT)

5 JOHN TODD WILLIAMS,

6 Defendant.

7 -----x  
8 New York, N.Y.  
9 December 15, 2014  
4:35 p.m.

10 Before:

11 HON. ANALISA TORRES,

12 District Judge

13 APPEARANCES

14 PREET BHARARA

15 United States Attorney for the  
16 Southern District of New York

17 JENNIFER L. GACHIRI

18 Assistant United States Attorney

19 FOX ROTHSCHILD

20 Attorney for Defendant

21 ROBERT WILLIAM RAY

Exhibit-F

Ecf4wil

1 (Case called)

2 THE COURT: Good afternoon.

3 Where do we stand with the delivery of discovery?

4 MS. GACHIRI: Your Honor, the discovery in this case  
5 is voluminous. It will include at least one terabyte of data  
6 that constitutes forensic copies of electronic media, computers  
7 that were recovered from the defendant's business, numerous  
8 business records, bank records, etc. So the government  
9 anticipates that an initial round of discovery will be ready  
10 for production within six weeks and that discovery will be  
11 complete within six weeks after that.

12 THE COURT: Where does that put us? What date does  
13 that get us to?

14 MS. GACHIRI: Three months from now, your Honor.

15 THE COURT: Three months from now.

16 MS. GACHIRI: So March 15th.

17 THE COURT: If you're talking about more than a  
18 terabyte of discovery, it is going to take a while for defense  
19 counsel to assimilate that.

20 Counsel, how long do you think you're going to need  
21 before you can make motions?

22 MR. RAY: I'm just trying to get my arms around how  
23 big a terabyte is.

24 THE COURT: It's thousands of pages. Am I correct?

25 MS. GACHIRI: Yes.

Ecf4wil

1 MR. RAY: I think it is pursuant, although I don't  
2 know, but I think it is pursuant to a search warrant of the  
3 things that were seized, but there's probably stuff over and  
4 above that. I don't really know exactly what it is, but I  
5 think the bulk of it is search warrant-seized-related material.

6 THE COURT: Do you expect that within three months  
7 that that will be it on the discovery, or is there a potential  
8 for even more discovery?

9 MS. GACHIRI: Additional defendants may be superseded  
10 into this case because six defendants were charged by  
11 complaint, but we anticipate that as to this defendant and the  
12 corporate defendant that discovery will be complete within  
13 three months.

14 THE COURT: All right. So counsel, just to get a  
15 sense of what you think the timing might be.

16 MR. RAY: Well --

17 THE COURT: I should note, counsel, that in other  
18 cases involving this quantity of discovery, I have permitted  
19 the appointment of an assistant, be that a paralegal or more  
20 junior attorney to help in the organization of the discovery  
21 materials.

22 MR. RAY: I appreciate that, your Honor, and I'm  
23 equipped with a large firm around me with access -- not an  
24 unlimited access -- but access, nonetheless, to associates and  
25 paralegals. I will make an appropriate application, which

*Exhibit-F*

Ecf4wil

1 would appear to be necessary in this case, to have help over  
2 and above the otherwise authorized 10 hours. Clearly, it is  
3 going to exceed that in this case. As to how much it exceeds  
4 that, I guess we don't know yet. I will make an appropriate  
5 application, at your Honor's invitation.

6 I don't know how long it will take, but I anticipate  
7 that if it is going to take three months to produce it, it is  
8 probably going to take three months to review it. Maybe not.  
9 I also don't know whether there are recordings in this.

10 MS. GACHIRI: There are several recordings, your  
11 Honor, that were recovered from the defendant's place of  
12 business.

13 THE COURT: Are these hours and hours of phone calls?

14 MS. GACHIRI: Yes, your Honor.

15 THE COURT: How many hours do you think?

16 MS. GACHIRI: It is hard for me to ballpark, but  
17 essentially all of the calls that were placed to victims were  
18 recorded, so there are probably hundreds of hours of calls.

19 MR. RAY: Your Honor, I know three months to review it  
20 sounds like a long time, but I think that's what it is going to  
21 take.

22 THE COURT: I think what I would like to do, instead  
23 of setting a motions schedule at this point, is to set a  
24 control date. Let us make March 16th a control date, when  
25 hopefully the government will report that all of the discovery

Ecf4wil

1 has been delivered, 4:00 p.m.

2 Is there anything further?

3 MS. GACHIRI: Your Honor, the government moves to  
4 exclude time between now and then in the interest of justice.

5 MR. RAY: Your Honor, there is no objection to that  
6 given the voluminous discovery that is projected and my need or  
7 anticipated need to receive it and then make a determination as  
8 to how long I would need, based upon what I receive, to file  
9 pretrial motions. We have no objection to the exclusion of  
10 time up through and including March 16, 2015, in the interest  
11 of justice.

12 THE COURT: Time is excluded under the Speedy Trial  
13 Act until March 16, 2015. I find that the ends of justice  
14 served by excluding such time outweigh the interests of the  
15 public and the defendant in a speedy trial because this will  
16 allow time for the government to produce discovery. And to the  
17 extent, counsel, that they start to produce discovery  
18 beforehand, I assume that you're going to jump in and start  
19 looking at it. Am I correct?

20 MR. RAY: Yes. Whatever I get, we will implement. I  
21 will catalog, and then I will have both myself and then, with  
22 the assistance of associates and paralegals, an opportunity to  
23 review whatever we get. Whatever the government has whenever  
24 they have it, we'll take, and we will review it.

25 THE COURT: This will, also, allow defense time to

Exhibit-F

Ecf4wil

1 consider the discovery and the parties to discuss, if possible,  
2 disposition.

3 Defendant's bail status shall remain the same.

4 The matter is adjourned.

5 (Adjourned)

6  
7 WTF →  
8  
9  
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21  
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23  
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25

From: Rock, Robin L. <[REDACTED]>  
Sent: Thursday, April 03, 2014 9:32 AM  
To: Tehrani, Daniel (USANYS)  
Subject: RE: Williams, Scott & Assoc d/b/a Warrant Services Association

No. They were in the process of having the Law Dept. (Ga AG) move to compel. Not sure if that has gone anywhere. Vogelsong served the CID on a man who looked just like John Williams, but claimed to be Joe Steele.

---

From: Tehrani, Daniel (USANYS) [mailto:Daniel.Tehrani@usdoj.gov]  
Sent: Thursday, April 03, 2014 9:29 AM  
To: Rock, Robin L.  
Subject: RE: Williams, Scott & Assoc d/b/a Warrant Services Association

Got it. I've been meaning to ask – do you know whether Williams or WSA turned anything over in response to the CIDs that Vogelsong served?

---

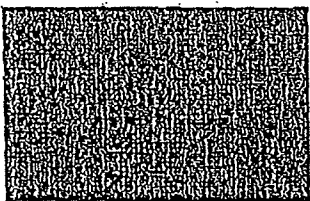
From: Rock, Robin L. [mailto:[REDACTED]]  
Sent: Thursday, April 03, 2014 7:54 AM  
To: Tehrani, Daniel (USANYS)  
Subject: Re: Williams, Scott & Assoc d/b/a Warrant Services Association.

I believe these were the voice mails he originally received and saved.

ROBIN L. ROCK

Attorney

FEDERAL TRADE COMMISSION



From: Tehrani, Daniel (USANYS) [mailto:Daniel.Tehrani@usdoj.gov]  
Sent: Wednesday, April 02, 2014 07:21 PM  
To: Rock, Robin L.  
Subject: RE: Williams, Scott & Assoc d/b/a Warrant Services Association

Thanks, Robin. Do you know whether the voicemail OW is describing in his email is a new voicemail – or a voicemail from October 2013?

---

From: Rock, Robin L. [mailto:[REDACTED]]  
Sent: Wednesday, April 02, 2014 2:32 PM  
To: Tehrani, Daniel (USANYS)  
Subject: Williams, Scott & Assoc d/b/a Warrant Services Association

Exhibit-6

3510-2

From: Song, Kevin (USANYS)  
Sent: Friday, February 28, 2014 8:40 AM  
To: Tehrani, Daniel (USANYS)  
Subject: Re: Call

No bites yet. I have not tried the numbers from yesterday yet. Will try those today.

----- Original Message -----

From: Tehrani, Daniel (USANYS)  
Sent: Friday, February 28, 2014 08:36 AM  
To: Song, Kevin (USANYS)  
Subject: Call

Kevin - any luck with the UC call?

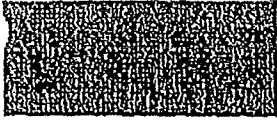
*INTRAPMENT EMAIL!*

*EXHIBIT-G*

3505-1



I will give you a call early afternoon.



---

From: Tehrani, Daniel (USANYS) <[Daniel.Tehrani@usdoj.gov](mailto:Daniel.Tehrani@usdoj.gov)>  
To: Brody, Timothy M.  
Sent: Mon Mar 10 09:41:52 2014  
Subject: WS

Tim -- do you have time to talk sometime today? Just want to touch base on Williams Scott.

Dan

Daniel B. Tehrani  
Assistant United States Attorney  
Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-2455  
Fax: (212) 637-2429  
[Daniel.Tehrani@usdoj.gov](mailto:Daniel.Tehrani@usdoj.gov)

Exhibit-G

From: Comisky, Brian J. (NY) (FBI) <Brian.Comisky@ic.fbi.gov>  
Sent: Thursday, May 05, 2016 8:28 AM  
To: Kearney, Benet (USANYS)  
Cc: Paul, Sarah (USANYS) 1  
Subject: FW: WS  
Attachments: T Vogelsong investigator 7 29 13.docx; WSA.Global.production.PDF; 0008788200015408\_contract.pdf; 8788200015408\_Resolved\_CB\_Report\_01-01-2010\_thru\_12-23-2013.xls; 0008788200015540\_Contract.pdf; 8788200015540\_Open\_CB\_Report\_01-01-2010\_thru\_12-23-2013.xls; 8788200015540\_Resolved\_CB\_Report\_01-01-2010\_thru\_12-23-2013.xls

Here are some docs from the GA investigator. This first word document is the summary.

---

From: Brody, Timothy M. (NY) (FBI)  
Sent: Thursday, May 05, 2016 7:58 AM  
To: Comisky, Brian J. (NY) (FBI)  
Subject: FW: WS

---

From: Tehrani, Daniel (USANYS) [mailto:Daniel.Tehrani@usdoj.gov]  
Sent: Monday, March 10, 2014 5:34 PM  
To: Brody, Timothy M.  
Subject: RE: WS

Here is the interview with the GA investigator and the merchant account records (I also have statements by year, but they're too big to send by email).

---

From: Brody, Timothy M. [mailto: [REDACTED]]  
Sent: Monday, March 10, 2014 12:43 PM  
To: Tehrani, Daniel (USANYS)  
Subject: RE: WS

I'm finalizing the lead to Georgia for our office to check out possible office locations. Could you email those locations? Thanks.

Tim

---

From: Tehrani, Daniel (USANYS) [mailto:Daniel.Tehrani@usdoj.gov]  
Sent: Monday, March 10, 2014 9:45 AM  
To: Brody, Timothy M.  
Subject: RE: WS

Sounds good. I have a sentencing from 2 to 3 but am otherwise around.

---

From: Brody, Timothy M. [mailto: [REDACTED]]  
Sent: Monday, March 10, 2014 9:43 AM  
To: Tehrani, Daniel (USANYS)  
Subject: Re: WS

Exhibit-G

3510-4

GA Docket 1:14-MJ-1037

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level  
(Terminated)**

None

**Complaints****Disposition**18:1343 – CONSPIRACY TO  
COMMIT WIRE FRAUD**Plaintiff**

USA

represented by **Nathan Parker Kitchens**  
 U.S. Attorney's Office–ATL  
 600 U.S. Courthouse  
 75 Spring Street, S.W.  
 Atlanta, GA 30303  
 404–581–6185  
 Email: [nathan.kitchens@usdoj.gov](mailto:nathan.kitchens@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Page	Docket Text
11/18/2014			ARREST (RULE 40) of John Todd Williams (1), Benita Cannedy (2), Rudy James (3), Arthur Cook (4), Christopher Lenyszyn (5), Clark Smith (6), and Titus McDowell (7). (mdy) (Entered: 11/19/2014)
11/18/2014	<u>1</u>	5	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Whitman Matthew Dodge as counsel for John Todd Williams (1). Signed by Magistrate Judge Gerrilyn G. Brill on 11/18/2014. (mdy) (Entered: 11/19/2014)
11/18/2014	<u>2</u>	6	Minute Entry for proceedings held before Magistrate Judge Gerrilyn G. Brill as to John Todd Williams (1): Initial Appearance in Rule 5(c)(3) Proceedings held on 11/18/2014. Defendant waives Identity Hearing. Waiver filed. Government's Motion for Detention Filed. Detention Hearing set for 11/25/2014, at 10:00 AM, in ATLA Courtroom 1810, before Magistrate Judge E. Clayton Scofield III. Preliminary Hearing set for 12/2/2014, at 10:00 AM, in ATLA Courtroom 1810, before Magistrate Judge E. Clayton Scofield III. Order of Temporary Detention Pending Hearing Pursuant to Bail Reform Act entered. (Attachments: # <u>1</u> Warrant, # <u>2</u> Complaint) (Tape #FTR) (mdy) (Entered: 11/19/2014)
11/18/2014	<u>3</u>	44	

Exhibit-H

			WAIVER of Rule 40 Hearings by John Todd Williams (1). (mdy) (Entered: 11/19/2014)
11/18/2014	<u>4</u>	45	MOTION for Detention by USA as to John Todd Williams (1). (mdy) (Entered: 11/19/2014)
11/18/2014	<u>5</u>	48	Order of Temporary Detention pursuant to Bail Reform Act by Judge Gerrilyn G. Brill as to John Todd Williams (1). Detention Hearing set for 11/25/2014, at 10:00 AM, in ATLA Courtroom 1810, before Magistrate Judge E. Clayton Scofield III. (mdy) (Entered: 11/19/2014)
11/24/2014	<u>30</u>	49	Minute Entry for proceedings held before Magistrate Judge E. Clayton Scofield III, as to John Todd Williams (1): Detention Hearing. Government's <u>4</u> Motion for Detention GRANTED. Pretrial detention ORDERED. (Tape #FTR) (mdy) (Entered: 12/01/2014)
11/25/2014	<u>31</u>	50	ORDER OF DETENTION Pending Trial in charging district as to John Todd Williams (1). Signed by Magistrate Judge E. Clayton Scofield, III on 11/25/2014. (mdy) (Entered: 12/01/2014)
12/02/2014			REMARK as to John Todd Williams (1): Indictment filed on 12/1/2014, in the Southern District of New York. Thus, the Preliminary Hearing previously set for 12/2/2014, at 10:00 AM, has been cancelled. (mdy) (Entered: 12/02/2014)
12/02/2014	<u>33</u>	51	COMMITMENT TO ANOTHER DISTRICT as to John Todd Williams (1). Defendant committed to District of USDC for the Southern District of New York, Foley Square Division. Signed by Magistrate Judge E. Clayton Scofield, III on 12/02/2014. (NEF to USMS) (mdy) (Entered: 12/02/2014)
12/02/2014			Magistrate Case Closed. Defendant John Todd Williams (1) terminated. (mdy) (Entered: 12/02/2014)
12/02/2014			Transmittal of Rule 5(c)(3) Documents and docket sheet as to John Todd Williams (1) <b>electronically</b> sent to USDC for the Southern District of New York, Foley Square Division. (mdy) (Entered: 12/02/2014)
12/03/2014			Acknowledgement of Receipt of Documents re: Transmittal of Rule 5(c)(3) Documents as to John Todd Williams – Received by Gilbert Quan. (mdy) (Entered: 12/03/2014)
03/17/2017			Case as to John Todd Williams Reassigned to Magistrate Judge John K. Larkins, III. Magistrate Judge Gerrilyn G. Brill no longer assigned to the case. (bdb) (Entered: 03/21/2017)
03/17/2017	<u>35</u>	52	PRO SE MOTION for Leave to Proceed in forma pauperis by John Todd Williams (1). (bdb) (Entered: 03/21/2017)
03/21/2017			Submission of <u>35</u> MOTION for Leave to Proceed in forma pauperis as to John Todd Williams (1). Submitted to Magistrate Judge John K Larkins. (bdb) (Entered: 03/21/2017)
03/21/2017	<u>36</u>		ORDER denying without prejudice to his directing the request to the proper court <u>35</u> Motion for Leave to Proceed in forma pauperis (to receive documents) as to John Todd Williams (1). The Court DIRECTS the Clerk to print and send Defendant one copy of all documents recorded on the docket in this case. Signed by Magistrate Judge John K. Larkins, III on 3/21/2017. (bdb)

Exhibit-H

*Original Docket*

Assigned to: Judge Analisa Torres

**Defendant (5)**

**Titus McDowell**  
*also known as*  
Mr. McDowell

represented by **Bennett M. Epstein**  
100 Lafayette Street  
Suite 501  
New York, NY 10013  
(212) 684-1230  
Fax: (212) 571-5507  
Email: bennett\_epstein@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

18:1349.F ATTEMPT AND  
CONSPIRACY TO COMMIT WIRE  
FRAUD  
(1)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1349.F ATTEMPT AND  
CONSPIRACY TO COMMIT MAIL  
FRAUD

**Disposition**

**Plaintiff**

USA

represented by **Daniel Ben Tehrani**  
United States Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212) 637-2455  
Fax: (212) 637-2527  
Email: Daniel.Tehrani@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

*EXHIBIT-I*

*NO ARREST WARRANT for 11/12/2014*

*Highlighted Entry Dates are  
deleted from fraudulent  
Dockets, Exhibits-J, K*

**Jennifer Lane Gachiri**  
United States Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212)-637-2209  
Fax: (212) 637-2443  
Email: jennifer.gachiri@usdoj.gov  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
<del>11/12/2014</del>		ORAL ORDER as to Sealed Defendant 1. (Signed by Magistrate Judge Sarah Netburn on 11/12/2014)(dif) [1:14-mj-02546-UA] (Entered: 12/01/2014)
11/12/2014	<u>1</u>	COMPLAINT as to Williams Scott & Associates, LLc (1), John Todd Williams (2), Benita Cannedy (3), Rudy James (4), Arthur Cook (5), Christopher Lenyszyn (6), Clark Smith (7), Titus McDowell (8). In Violation of 18 U.S.F. 1349 (Signed by Magistrate Judge Sarah Netburn) (dif) [1:14-mj-02546-UA] (Entered: 12/01/2014)
11/12/2014	<u>1</u>	COMPLAINT as to Williams Scott & Associates, LLc (1), John Todd Williams (2), Benita Cannedy (3), Rudy James (4), Arthur Cook (5), Christopher Lenyszyn (6), Clark Smith (7), Titus McDowell (8). In Violation of 18 U.S.F. 1349 (Signed by Magistrate Judge Sarah Netburn) (dif) [1:14-mj-02546-UA] (Entered: 12/01/2014)
12/01/2014	<u>3</u>	INDICTMENT FILED as to Williams Scott & Associates, LLc (1) count(s) 1, John Todd Williams (2) count(s) 1. (jm) (Entered: 12/02/2014)
12/01/2014		Case Designated ECF as to Williams Scott & Associates, LLc, John Todd Williams. (jm) (Entered: 12/02/2014)
12/02/2014	<u>13</u>	Rule 5(c)(3) Documents Received as to Benita Cannedy, Rudy James, Arthur Cook, Christopher Lenyszyn, Clark Smith, Titus McDowell from the United States District Court - Northern District of Georgia (Atlanta). (gq) [1:14-mj-02546-UA] (Entered: 12/02/2014)
12/03/2014	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE Jennifer Lane Gachiri appearing for USA. (Gachiri, Jennifer) (Entered: 12/03/2014)
12/04/2014		Arrest of Arthur Cook. (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	20	CJA 23 Financial Affidavit by Arthur Cook. (Signed by Judge Magistrate Judge Frank Maas) (CJA Attorney Eric Sears Appointed) (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014		Attorney update in case as to Arthur Cook. Attorney Eric Mark Sears for Arthur Cook added.. (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>21</u>	Minute Entry for proceedings held before Magistrate Judge Frank Maas: Initial Appearance as to Arthur Cook held on 12/4/2014., Deft Appears with CJA Attorney Eric Sears and AUSA Daniel Tehrani for the government. AGREED

*EXHIBIT-I*



		CONDITIONS OF RELEASE: \$10,000 PRB; Travel Limited to SDNY/EDNY and Northern District of Georgia; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; May Not Engage in Debt Collection or Contact Victims of Scheme; Random Urinalysis W/in 60 Days; (Preliminary Hearing set for 1/5/2015 at 10:00 AM before Judge Unassigned.) (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>22</u>	AGREEMENT TO FORFEIT PROPERTY (OTHER THAN REAL PROPERTY) by Arthur Cook. Personal Recognizance Bond in the amount of \$ 10,000 PRB, Travel Limited to SDNY/EDNY and Northern District of Georgia; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; May Not Engage in Debt Collection or Contact Victims of Scheme; Random Urinalysis W/in 60 Days (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>31</u>	CJA 20 as to Arthur Cook: Appointment of Attorney Eric Sears for Arthur Cook. (Appointed by Magistrate Judge Frank Maas on 12/4/14)(tr) [1:14-mj-02546-UA] (Entered: 12/17/2014)
12/04/2014		Arrest of Benita Cannedy. (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>14</u>	CJA 23 Financial Affidavit by Benita Cannedy. (Signed by Judge Magistrate Judge Frank Maas) (CJA Attorney Gerald Dichiarra Appointed) (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014		Attorney update in case as to Benita Cannedy. Attorney Gerald Dichiarra for Benita Cannedy added.. (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>15</u>	Minute Entry for proceedings held before Magistrate Judge Frank Maas: Initial Appearance as to Benita Cannedy held on 12/4/2014., Deft Appears with CJA Attorney Gerald Dichiarra and AUSA Daniel Tehrani for the government. AGREED CONDITIONS OF RELEASE: \$20,000; Travel Limited to SDNY/EDNY and ND GA; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; May Not Engage in Debt Collection or Contact Victims of Scheme; Random Urinalysis W/in 60 Days; (Preliminary Hearing set for 1/5/2015 at 10:00 AM before Judge Unassigned.) (dif) Modified on 12/5/2014 (dif). [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>16</u>	AGREEMENT TO FORFEIT PROPERTY (OTHER THAN REAL PROPERTY) by Benita Cannedy. Personal Recognizance Bond in the amount of \$ 20,000 PRB, Travel Limited to SDNY/EDNY and Northern District of Georgia; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; May Not Engage in Debt Collection or Contact Victims of Scheme; Random Urinalysis W/in 60 Days (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>30</u>	CJA 20 as to Benita Cannedy: Appointment of Attorney Gerald DiChiara for Benita Cannedy. (Appointed by Magistrate Judge Frank Maas on 12/4/14)(tr) [1:14-mj-02546-UA] (Entered: 12/17/2014)
12/04/2014		Arrest of Titus McDowell. (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>23</u>	CJA 23 Financial Affidavit by Titus McDowell. (Signed by Judge Magistrate

*Exhibit-I*

		Judge Frank Maas) (CJA Attorney Bennett Epstein Appointed) (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014		Attorney update in case as to Titus McDowell. Attorney Bennett M. Epstein for Titus McDowell added.. (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>24</u>	Minute Entry for proceedings held before Magistrate Judge Frank Maas: Initial Appearance as to Titus McDowell held on 12/4/2014., Deft Appears with CJA Bennett Epstein and AUSA Daniel Tehrani for the government. AGREED CONDITIONS OF RELEASE: \$10,000 PRB; Travel Limited to SDNY/EDNY and Northern District of Georgia; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; May Not Engage in Debt Collection or Contact Victims of Scheme; Random Urinalysis W/in 60 Days; ( Preliminary Hearing set for 1/5/2015 at 10:00 AM before Judge Unassigned.) (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/04/2014	<u>25</u>	AGREEMENT TO FORFEIT PROPERTY (OTHER THAN REAL PROPERTY) by Titus McDowell. Personal Recognizance Bond in the amount of \$ 10,000 PRB, Travel Limited to SDNY/EDNY and Northern District of Georgia; Surrender Travel Documents (& No New Applications); Regular Pretrial Supervision; May Not Engage in Debt Collection or Contact Victims of Scheme; Random Urinalysis W/in 60 Days (dif) [1:14-mj-02546-UA] (Entered: 12/05/2014)
12/08/2014	<u>26</u>	<b>FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - NOTICE OF ATTORNEY APPEARANCE:</b> Gerald J Di Chiara appearing for Benita Cannedy. Appearance Type: CJA Appointment. (Di Chiara, Gerald) Modified on 12/9/2014 (ka). [1:14-mj-02546-UA] (Entered: 12/08/2014)
12/09/2014		Arrest of John Todd Williams (2). [*** NOTE: Refer to Disposition Sheet for Rule 9 Proceedings held on 12/10/2014. ***] (bw) (Entered: 12/11/2014)
12/09/2014		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Gerald Di Chiara as to Benita Cannedy: to MANUALLY RE-FILE Document Notice of Attorney Appearance, Document No. 26. This case is not ECF. (ka) [1:14-mj-02546-UA] (Entered: 12/09/2014)</b>
12/10/2014	5	CJA 23 Financial Affidavit by John Todd Williams (1). APPROVED: (Signed by Magistrate Judge Ronald L. Ellis on 12/10/2014); Attorney Robert W. Ray. (bw) (Entered: 12/11/2014)
12/10/2014		Attorney update in case as to John Todd Williams (2). Attorney Robert William Ray for John Todd Williams added. (bw) (Entered: 12/11/2014)
12/10/2014		Minute Entry on "Disposition Sheet" for proceedings held before Magistrate Judge Ronald L. Ellis: Initial Appearance as to John Todd Williams (2) held on 12/10/2014. Date of Arrest: 11/18/2014 NDGA, 12/9/2014 SDNY 1:30 p.m. Time of Presentment: 12/10/2014 5:13 p.m. AUSA Daniel Tehrani. Defense Counsel Robert Ray (CJA). BAIL DISPOSITION: Detention on consent without prejudice. ADDITIONAL PROCEEDINGS: Conference before District Judge on 12/15/2014 at 4:30 p.m. Speedy Trial Time excluded under 18 U.S.C. Section 3161(h)(7) until 12/15/2014. (bw) (Entered: 12/11/2014)

*Exhibit-I*



18:1349.F ATTEMPT AND  
CONSPIRACY TO COMMIT MAIL  
FRAUD

**Plaintiff**

USA

represented by **Daniel Ben Tehrani**.

United States Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212) 637-2455  
Fax: (212) 637-2527  
Email: Daniel.Tehrani@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

*This Docket was altered  
when the defendant's Brief  
was sealed from the  
public for 2 months. This  
Docket used to look like*

**Benet Jeanne Kearney**  
United States Attorney's Office  
Southern District of New York  
One St. Andrew's Plaza  
New York, NY 10007  
(212)-637-2260  
Fax: (212)-637-2243  
Email: benet.kearney@usdoj.gov  
**ATTORNEY TO BE NOTICED**

*The Docket. previous, Exhibit-I  
Notice ALL the changes*

**Jennifer Lane Gachiri**  
United States Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212)-637-2209  
Fax: (212) 637-2443  
Email: jennifer.gachiri@usdoj.gov  
**ATTORNEY TO BE NOTICED**

*To this Docket. Also notice  
how someone cut and pasted  
the Entry Boxes, there noticeably  
crooked.*

**Sarah Elizabeth Paul**  
United States Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212) 637-2326  
Fax: (212) 637-2937  
Email: sarah.paul2@usdoj.gov  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/12/2014	<u>1</u>	COMPLAINT as to Williams Scott & Associates, LLc (1), John Todd Williams (2), Benita Cannedy (3), Rudy James (4), Arthur Cook (5),

		Christopher Lenyszyn (6), Clark Smith (7), Titus McDowell (8). In Violation of 18 U.S.F. 1349 (Signed by Magistrate Judge Sarah Netburn) (dif) [1:14-mj-02546-UA] (Entered: 12/01/2014)
12/01/2014	<u>3</u>	INDICTMENT FILED as to Williams Scott & Associates, LLc (1) count(s) 1, John Todd Williams (2) count(s) 1. (jm) (Entered: 12/02/2014)
12/01/2014		Case Designated ECF as to Williams Scott & Associates, LLc, John Todd Williams. (jm) (Entered: 12/02/2014)
12/03/2014	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE Jennifer Lane Gachiri appearing for USA. (Gachiri, Jennifer) (Entered: 12/03/2014)
12/09/2014		Arrest of John Todd Williams (2). [*** NOTE: Refer to Disposition Sheet for Rule 9 Proceedings held on 12/10/2014. ***] (bw) (Entered: 12/11/2014)
12/10/2014	<u>5</u>	CJA 23 Financial Affidavit by John Todd Williams (1). APPROVED: (Signed by Magistrate Judge Ronald L. Ellis on 12/10/2014); Attorney Robert W. Ray. (bw) (Entered: 12/11/2014)
12/10/2014		Attorney update in case as to John Todd Williams (2). Attorney Robert William Ray for John Todd Williams added. (bw) (Entered: 12/11/2014)
12/10/2014		Minute Entry on "Disposition Sheet" for proceedings held before Magistrate Judge Ronald L. Ellis: Initial Appearance-as-to John Todd Williams (2) held on 12/10/2014. Date of Arrest: 11/18/2014 NDGA, 12/9/2014 SDNY 1:30 p.m. Time of Presentment: 12/10/2014 5:13 p.m. AUSA Daniel Tehrani. Defense Counsel Robert-Ray (CJA). BAIL DISPOSITION: Detention on consent without prejudice. ADDITIONAL PROCEEDINGS: Conference before District Judge on 12/15/2014 at 4:30 p.m. Speedy Trial Time excluded under 18 U.S.C. Section 3161(h)(7) until 12/15/2014. (bw) (Entered: 12/11/2014)
12/10/2014		ORAL ORDER as to John Todd Williams (2). Time excluded from 12/10/2014 until 12/15/2014. Pretrial Conference set for 12/15/2014 at 04:30 PM before Judge Analisa Torres. (By Magistrate Judge Ronald L. Ellis on 12/10/2014) (bw) (Entered: 12/11/2014)
12/10/2014	<u>8</u>	CJA 20 as to John Todd Williams: Appointment of Attorney Robert Ray for John Todd Williams. (Appointed by Magistrate Judge Ronald L. Ellis on 12/10/14)(tr) (Entered: 12/18/2014)
12/15/2014	<u>7</u>	ORDER as to Williams Scott & Associates, LLc, John Todd Williams ( Pretrial Conference set for 3/16/2015 at 04:00 PM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres.) Time excluded from 12/15/14 until 3/16/15. It is FURTHER ORDERED that the government shall provide remaining discovery to defendant by March 16, 2015; It is FURTHER ORDERED that for the reasons stated on the record, the time from December 15, 2014 through March 16, 2015, is excluded from the Speedy Trial calculation in the interests of justice pursuant to 18 U.S.C. § 3161(h)(7)(A). (Signed by Judge Analisa Torres on 12/15/14)(jw) (Entered: 12/16/2014)
12/15/2014		Minute Entry for proceedings held before Judge Analisa Torres: Pretrial Conference as to John Todd Williams held on 12/15/2014. Government by: Jennifer L. Gachiri present; Defendant: John Todd Williams present with

**Complaints**

18:1349.F ATTEMPT AND  
CONSPIRACY TO COMMIT MAIL  
FRAUD

**Disposition****Plaintiff**

USA

represented by **Daniel Ben Tehrani**

United States Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212) 637-2455  
Fax: (212) 637-2527  
Email: Daniel.Tehrani@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

*This is the new cleaned  
up version of a fraudulent*

*Docket. There's even*

*An Arrest warrant for*

*The Defendant on 11/12/14.*

**Benet Jeanne Kearney**

United States Attorney's Office  
Southern District of New York  
One St. Andrew's Plaza  
New York, NY 10007  
(212)-637-2260  
Fax: (212)-637-2243  
Email: benet.kearney@usdoj.gov  
**ATTORNEY TO BE NOTICED**

**Jennifer Lane Gachiri**

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**ATTORNEY TO BE NOTICED**

**Sarah Elizabeth Paul**

United States Attorney's Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212) 637-2326  
Fax: (212) 637-2937  
Email: sarah.paul2@usdoj.gov  
**ATTORNEY TO BE NOTICED**

*This conduct is so outrageous in  
character; so extreme in degree  
it goes beyond all possible  
bounds of decency as to be  
regarded as atrocious, and  
utterly intolerable in a civilized  
society.*

Date Filed	#	Docket Text

*Exhibit-K*

*New NEW YORK Docket with Arrest Warrant.*

11/12/2014	<u>1</u>	COMPLAINT as to Williams Scott & Associates, LLc (1), John Todd Williams (2), Benita Cannedy (3), Rudy James (4), Arthur Cook (5), Christopher Lenyszyn (6), Clark Smith (7), Titus McDowell (8). In Violation of 18 U.S.F. 1349 (Signed by Magistrate Judge Sarah Netburn) (dif) [1:14-mj-02546-UA] (Entered: 12/01/2014)
11/12/2014	<u>2</u>	Arrest Warrant Issued as to John Todd Williams. (Signed by Judge Magistrate Judge Sarah Netburn on 11/12/2014.) (dif) [1:14-mj-02546-UA] (Entered: 12/01/2014)
12/01/2014	<u>3</u>	INDICTMENT FILED as to Williams Scott & Associates, LLc (1) count(s) 1, John Todd Williams (2) count(s) 1. (jm) (Entered: 12/02/2014)
12/01/2014		Case Designated ECF as to Williams Scott & Associates, LLc, John Todd Williams. (jm) (Entered: 12/02/2014)
12/01/2014		(Court only) CRIMINAL CASE WHEEL FLAG DESIGNATION as to Williams Scott & Associates, LLc, John Todd Williams. Wheel Flag WHEEL-B set. (jm) (Entered: 12/02/2014)
12/03/2014	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE Jennifer Lane Gachiri appearing for USA. (Gachiri, Jennifer) (Entered: 12/03/2014)
12/09/2014		Arrest of John Todd Williams (2). [*** NOTE: Refer to Disposition Sheet for Rule 9 Proceedings held on 12/10/2014. ***] (bw) (Entered: 12/11/2014)
12/10/2014	<u>5</u>	CJA 23 Financial Affidavit by John Todd Williams (1). APPROVED: (Signed by Magistrate Judge Ronald L. Ellis on 12/10/2014); Attorney Robert W. Ray. (bw) (Entered: 12/11/2014)
12/10/2014		Attorney update in case as to John Todd Williams (2). Attorney Robert William Ray for John Todd Williams added. (bw) (Entered: 12/11/2014)
12/10/2014		Minute Entry on "Disposition Sheet" for proceedings held before Magistrate Judge Ronald L. Ellis: Initial Appearance as to John Todd Williams (2) held on 12/10/2014. Date of Arrest: 11/18/2014 NDGA, 12/9/2014 SDNY 1:30 p.m. Time of Presentment: 12/10/2014 5:13 p.m. AUSA Daniel Tehrani. Defense Counsel Robert Ray (CJA). BAIL DISPOSITION: Detention on consent without prejudice. ADDITIONAL PROCEEDINGS: Conference before District Judge on 12/15/2014 at 4:30 p.m. Speedy Trial Time excluded under 18 U.S.C. Section 3161(h)(7) until 12/15/2014. (bw) (Entered: 12/11/2014)
12/10/2014		ORAL ORDER as to John Todd Williams (2). Time excluded from 12/10/2014 until 12/15/2014. Pretrial Conference set for 12/15/2014 at 04:30 PM before Judge Analisa Torres. (By Magistrate Judge Ronald L. Ellis on 12/10/2014) (bw) (Entered: 12/11/2014)
12/10/2014	<u>8</u>	CJA 20 as to John Todd Williams: Appointment of Attorney Robert Ray for John Todd Williams. (Appointed by Magistrate Judge Ronald L. Ellis on 12/10/14)(tr) (Entered: 12/18/2014)

*Exhibit-K*

12/15/2014	<u>7</u>	ORDER as to Williams Scott & Associates, LLc, John Todd Williams ( Pretrial Conference set for 3/16/2015 at 04:00 PM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres.) Time excluded from 12/15/14 until 3/16/15. It is FURTHER ORDERED that the government shall provide remaining discovery to defendant by March 16, 2015; It is FURTHER ORDERED that for the reasons stated on the record, the time from December 15, 2014 through March 16, 2015, is excluded from the Speedy Trial calculation in the interests of justice pursuant to 18 U.S.C. § 3161(h)(7)(A). (Signed by Judge Analisa Torres on 12/15/14)(jw) (Entered: 12/16/2014)
12/15/2014		Minute Entry for proceedings held before Judge Analisa Torres: Pretrial Conference as to John Todd Williams held on 12/15/2014. Government by: Jennifer L. Gachiri present; Defendant: John Todd Williams present with attorney, Robert W. Ray; Court Reporter: Patricia Kanshiro-Miller present. The subsequent conference is set for March 16, 2015 at 4:00 p.m. Time is excluded from today until 3/16/2015. Detention continued. (jbo) (Entered: 12/17/2014)
01/06/2015	<u>9</u>	TRANSCRIPT of Proceedings as to John Todd Williams re: Conference held on 12/15/2014 before Judge Analisa Torres. Court Reporter/Transcriber: Patricia Kaneshiro-Miller, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2015. Redacted Transcript Deadline set for 2/9/2015. Release of Transcript Restriction set for 4/9/2015. (McGuirk, Kelly) (Entered: 01/06/2015)
01/06/2015	<u>10</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to John Todd Williams. Notice is hereby given that an official transcript of a Conference proceeding held on 12/15/2014 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (McGuirk, Kelly) (Entered: 01/06/2015)
01/12/2015	<u>11</u>	Application for a Protective Order as to Williams Scott & Associates, LLc, John Todd Williams. WHEREFORE the Government respectfully requests that the Court grant this application and enter the proposed protective Order. I declare under penalty of perjury that the foregoing is true and correct. (jw) (Entered: 01/12/2015)
01/12/2015	<u>12</u>	PROTECTIVE ORDER as to Williams Scott & Associates, LLC, John Todd Williams...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Analisa Torres on 1/12/15)(jw) (Entered: 01/12/2015)
03/04/2015	<u>40</u>	(S1) SUPERSEDING INDICTMENT FILED as to Williams Scott &

Exhibit-K



ORIGINAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

MAY 27 2014

JAMES M. MANN, Clerk  
BY: *[Signature]*  
Deputy Clerk

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**WILLIAMS, SCOTT &  
ASSOCIATES, LLC**, a Georgia  
limited liability company,

**WSA, LLC**, also d/b/a **Warrant  
Services Association**, a Nevada limited  
liability company, and

**JOHN WILLIAMS**, individually and  
as officer of Williams, Scott &  
Associates, LLC, and as manager of  
WSA, LLC

Defendants.

Case No. \_\_\_\_\_

1:14-CV-1599

**COMPLAINT FOR PERMANENT INJUNCTION  
AND OTHER EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission ("FTC"), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), and Section 814 of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692l, to obtain temporary,



Robin L. Rock  
Attorney

225 Peachtree St., NE  
Suite 1500  
Atlanta, GA 30303  
(404) 656-1368 (tel.)  
(404) 656-1379 (fax)  
rrock@ftc.gov

United States of America  
FEDERAL TRADE COMMISSION  
Southeast Region

October 22, 2014

**VIA FEDERAL EXPRESS & E-Mail**

Mr. Careton R. Matthews, Sr., Esq.  
4820 Redan Road, Suite B  
Stone Mountain, GA 30088

Re: FTC v. Williams, Scott & Associates, LLC *et al.*, 1:14-CV-1599, (N.D. Ga.)

Dear Mr. Matthews:

We were extremely troubled to learn of some very recent debt collection activity related to the defendants that appears to be in violation of the FTC Act and the Fair Debt Collection Practices Act. We have identified the companies as Legacy Payment Systems, Sterling Ross Payment Systems LP, and Sterling, Ross & Associates, LLC, and have determined John Williams, along with others, is engaging in the debt collection activity through with these companies.

The consumer complaints mirror the practices that are prohibited by the preliminary injunction, such as threats of arrest and the police showing up with warrants if consumers do not make immediate payments, unlawful calls to third parties, and unauthorized collections. Section I of the preliminary injunction order clearly prohibits these acts and many others. Payments are made into accounts linked to John Williams.

Additionally, we have recently received information that gives us reason to believe Sterling Ross & Associates is collecting on the same debt that was previously collected on by the corporate defendants. This raises the issue that receivership assets, which are currently frozen, are being unlawfully utilized to further the egregious debt collection of defendants. This activity violates the provisions pertaining to the asset freeze (Section II) and the prohibition against releasing consumer information (XVII).

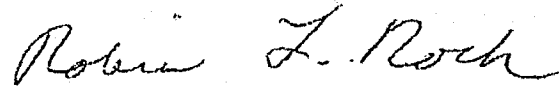
Obviously, such blatantly contemptuous activity by the defendants is unacceptable and must stop immediately. We must have a meet and confer with you to resolve this matter quickly or we will have no choice, but to seek a contempt action against the defendants for violating

Exhibit-Q

Letter of October 22, 2014, to Cerebon Matthews Page 12

multiple provisions of the preliminary injunction order. Please call me at your earliest moment to discuss an acceptable resolution.

Very truly yours,

A handwritten signature in cursive script that reads "Robin L. Rock". The signature is written in dark ink and is positioned above the printed name.

Robin L. Rock

Exhibit-Q



U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
\*\*\* Crime Scene Sign-In Log \*\*\*

PAGE 1 OF 2

GENERAL INFORMATION		(Complete if applicable)	
DATE	<u>5/21/2014</u>	SITE#	_____
CASE ID	<u>29P-NY-3968072</u>	TEAM#	_____
LOCATION	<u>3850 Halcumb Bridge Road</u>	GRID#	_____
	<u>Suite 150, Norcross GA</u>	REMARKS	_____

SEARCH TEAM PERSONNEL		Print	
Print Full Name	Signature	Agency/Division/Office and Phone Initials	Time In Time Out
SA Stephanie Eckenbeck	<i>[Signature]</i>	SAK	8:45 11:45 AM
SA Tom Meade	<i>[Signature]</i>	TL	8:45 11:45
SA Greg Reasick	<i>[Signature]</i>	WLP	8:45 11:45
Tinsley Smith	<i>[Signature]</i>	TS	8:45 11:45
STANARDS WILLIAMS	<i>[Signature]</i>	JW	8:45 11:45
GARY TRAZIER	<i>[Signature]</i>		8:45
KIM JOHNSON	<i>[Signature]</i>	KJJ	8:45 11:45
SA Rod Costin	<i>[Signature]</i>	RFC	8:45 11:45
SA Scott Baucum	<i>[Signature]</i>	WAB	8:45 11:45
SA William Shure	<i>[Signature]</i>	Q	8:45 11:45
SA Joshua R. Keys	<i>[Signature]</i>	QW	8:45 11:45
SA Steve Ryskewski	<i>[Signature]</i>	SKR	8:45 11:45
SA Joseph D. STIBBS	<i>[Signature]</i>	SDS	8:45 11:45
SA Brian Comisky	<i>[Signature]</i>	ABC	8:45 11:45
SA Huet Dieter	<i>[Signature]</i>	FRI	8:45 11:45
ITSG Charles A. Mészáros	<i>[Signature]</i>	FBI	8:45 11:45
ITSG/FE Orlando Triguera	<i>[Signature]</i>	FBI	8:45 11:45
SA David A. Fennell, STE	<i>[Signature]</i>	FBI	8:45 11:45
SA Timothy D. Cody	<i>[Signature]</i>	FBI	8:45 9:30
Richard Kaplan	<i>[Signature]</i>	FTC	8:45 10:10

Exhibit-S

Exhibit-S

3514-4

(Complete if applicable)

SITE#	
TEAM#	
GRID#	
REMARKS	

## Time In Time Out

EXHIBIT-5

## EVIDENCE LOG

By Item Number

Case ID	29P-NV-3968072								
Location	3850 Holcomb Bridge Road, Suite 150, Norcross, GA								
Date	May 29, 2014 08:32 AM								
Item #	Description	Location	Recovered By	Observed By	Find Date	Package Type	Marking	Room	Evidence Type
1	General call documents and notes	From cubicle	Joshua Keys	Joseph Stites	5/29/2014	Paper	Indirect	Room AA/ Cube #7	General Evidence
2	Account logs; employee scripts; employee rosters; notepads containing account info; sticky notes w/ names; account #'s, dollar amounts	From cubicle	James Williams	Gregory Peacock	5/29/2014	Paper	Indirect	Room AA/ Cube #1	General Evidence
3	Misc. papers & documents; call logs	From cubicle	Kurt J Dirker	Timothy Brody	5/29/2014	Paper	Indirect	Room AA/ Cube #8	General Evidence
4	General call logs, caller lists	From cubicle	Timothy Brody	Kurt J Dirker	5/29/2014	Paper	Indirect	Room AA/ Cube #9	General Evidence
5	General call documents and notes	From cubicle	Joseph Stites	Joshua Keys	5/29/2014	Paper	Indirect	Room AA/ Cube #10	General Evidence
6	General call documents & notes	From cubicle	Joshua Keys	Joseph Stites	5/29/2014	Paper	Indirect	Room AA/ Cube #4	General Evidence
7	General call documents & notes	From cubicle	Joseph Stites	Joshua Keys	5/29/2014	Paper	Indirect	Room BB/ Cube #15	General Evidence
8	Documents - acct numbers, victims, payment statements, script for calls	From cubicle	Gregory Peacock	Joshua Keys	5/29/2014	Paper	Indirect	Room AA/ Cube #3	General Evidence
9	General call documents & notes	From cubicle	Joshua Keys	Gregory Peacock	5/29/2014	Paper	Indirect	Room BB/ Cube #13	General Evidence
10	Documents - receipts, accts, payment info	From cubicle	Gregory Peacock	Joshua Keys	5/29/2014	Paper	Indirect	Room BB/ Cube #12	General Evidence
11	General call documents & notes	From cubicle	Joseph Stites	Timothy Brody	5/29/2014	Paper	Indirect	Room BB/ Cube #16	General Evidence
12	List of employees and fake names; written message for callers, list of numbers called	From cubicle	Tinsley Smith	Roderick Coffin	5/29/2014	Paper	Indirect	Room BB/ Cube #22	General Evidence
13	General call documents & notes	From cubicle	Joshua Keys	Gregory Peacock	5/29/2014	Paper	Indirect	Room BB/ Cube 19	General Evidence
14	Collection payment sheets, general collection sheets, scripts, time sheets	From cubicle	Timothy Brody	Thomas McAfee	5/29/2014	Paper	Indirect	Room BB/ Cube #17	General Evidence
15	White board #1/ with Blue and Purple writing	On wall to right when facing wall	Gregory Peacock	Thomas McAfee	5/29/2014	Other	Direct	Room BB	General Evidence
16	White Board #2/ with Orange and Green writings	On wall to left when facing wall	Gregory Peacock	Thomas McAfee	5/29/2014	Other	Direct	Room BB	General Evidence
17	Cross-shredded documents	Cross shredder in corner of room	James Williams	Roderick Coffin	5/29/2014	Paper	Indirect	Room CC	General Evidence
18	Account status key document; time card memorandums; employee roster w/ notes; collector payment form log; collector payment account docs & promise sheets	Desk area	James Williams	Roderick Coffin	5/29/2014	Paper	Indirect	Room CC	General Evidence
19	WSA account sheets, WSA bill for customer numbers of people called	From cubicle	Tinsley Smith	Thomas McAfee	5/29/2014	Paper	Indirect	Room BB/ Cube #21	General Evidence
20	Documents - debtor lists, account numbers	From cubicle	Gregory Peacock	Joshua Keys	5/29/2014	Paper	Indirect	Room BB/ Cube #18	General Evidence
21	Papers & logs	From cubicle	Kurt J Dirker	Brian Corniskey	5/29/2014	Paper	Indirect	Room BB/ Cube #23	General Evidence
22	Employee time cards & memorandum with expectations	From wall	Tinsley Smith	Roderick Coffin	5/29/2014	Paper	Indirect	Room AA	General Evidence
23	Post It Notes w/ names, acct #'s, Phone #'s	From cubicle (trash can)	James Williams	Gregory Peacock	5/29/2014	Paper	Indirect	Room BB/ Cube #19	General Evidence
24	Dell CPU S/N 70H5MA41	From cubicle	Roderick Coffin	Gregory Peacock	5/29/2014	Other	Direct	Room AA/ Cube #2	CART

Exhibit-5

Exhibit-5



## EVIDENCE LOG

By Item Number

Item #	Description	Location	Recovered By	Observed By	Find Date	Package Type	Marking	Room	Evidence Type
25	Lenovo CPU S/N M330632	From cubicle	Gregory Peacock	Joshua Keys	5/29/2014	Other	Direct	Room AA/ Cube #3	CART
26	Lenovo CPU S/N MJR2230	From Cubicle	Roderick Coffin	James Williams	5/29/2014	Other	Direct	Room AA/ Cube #1	CART
27	Dell CPU S/N 10DHL1	Under Desk	Roderick Coffin	James Williams	5/29/2014	Other	Direct	Room CC	CART
28	8 1/2 x 11 pieces of paper	From wall near bathrooms	Brian Corniskey	Kurt J Dirker	5/29/2014	Paper	Indirect	Room BB	General Evidence
29	General call data & notes	From cubicle	Joseph Stites	James Williams	5/29/2014	Paper	Indirect	Room BB/ Cube #14	General Evidence
30	WD External HDD S/N WUJ230800880 and power cord	Under desk	Roderick Coffin	Joseph Stites	5/29/2014	Paper	Indirect	Room FF	CART
31	Post It Notes w/ login names/passwords; Phone #s; notes about receivables	From cubicle	James Williams	Kimberly J Johnson	5/29/2014	Paper	Indirect	Room AA/ Cube #11	General Evidence
32	Dell CPU S/N BNT74Q31	From cubicle	Roderick Coffin	Joseph Stites	5/29/2014	Other	Direct	Room AA/ Cube #9	CART
33	APC Netshelter w/ 4 rack devices	From corner to left of door	Thomas McAfee	Stephanie Erkenbeck	5/29/2014	Other	Direct	Room DD	CART
34	Dell CPU S/N 1PPQGG1	From cubicle	Joseph Stites	Joshua Keys	5/29/2014	Other	Direct	Room BB/ Cube #15	CART
35	HP CPU S/N USV405086Q	From cubicle	Joseph Stites	Roderick Coffin	5/29/2014	Other	Direct	Room AA/ Cube #10	CART
36	Dell CPU S/N 952JRH1	From cubicle	Roderick Coffin	Tinsley Smith	5/29/2014	Other	Direct	Room BB/ Cube #22	CART
37	Lenovo CPU S/N M16V732	Next to couch	Roderick Coffin	Joseph Stites	5/29/2014	Other	Direct	Room FF	CART
38	Lenovo CPU S/N MJRM780	From cubicle	Gregory Peacock	Joshua Keys	5/29/2014	Other	Direct	Room BB/ Cube #18	CART
39	Lenovo CPU S/N LKVTCS3	From cubicle	Gregory Peacock	Joshua Keys	5/29/2014	Other	Direct	Room BB/ Cube #20	CART
40	Dell CPU 2KRR1G2	From cubicle	Roderick Coffin	Timothy Brody	5/29/2014	Other	Direct	Room AA/ Cube #6	CART
41	Dell CPU S/N DZPF61	From cubicle	Roderick Coffin	James Williams	5/29/2014	Other	Direct	Room AA/ Cube #4	CART
42	Dell CPU S/N 18J451	From cubicle	Roderick Coffin	Joseph Stites	5/29/2014	Other	Direct	Room AA/ Cube #7	CART
43	Dell CPU S/N 25FNM41	From cubicle	Gregory Peacock	Joshua Keys	5/29/2014	Other	Direct	Room BB/ Cube #12	CART
44	Dell Inspiron 531 CPU S/N 3Y8W3G1	Under desk	Joseph Stites	Roderick Coffin	5/29/2014	Other	Direct	Room FF	CART
45	Dell CPU S/N GR3X971	From cubicle	Joshua Keys	Gregory Peacock	5/29/2014	Other	Direct	Room BB/ Cube #13	CART
46	HP CPU S/N USUA200ZF	From cubicle	Roderick Coffin	Joseph Stites	5/29/2014	Other	Direct	Room BB/ Cube #17	CART
47	HP CPU S/N MXM75000BT	Inside rack	Roderick Coffin	Stephanie Erkenbeck	5/29/2014	Other	Direct	Room DD	CART
48	Dell CPU S/N 7NPHW41	From cubicle	Roderick Coffin	Joseph Stites	5/29/2014	Other	Direct	Room BB/ Cube #16	CART
49	Dell CPU S/N 4P07Y11	On floor	Roderick Coffin	Tinsley Smith	5/29/2014	Other	Direct	Room DD	CART
50	Lenovo CPU S/N LKDKCFA	Under desk	Roderick Coffin	James Williams	5/29/2014	Other	Direct	Room EE	CART
51	Dell CPU S/N 588RG61	From cubicle	Roderick Coffin	Tinsley Smith	5/29/2014	Other	Direct	Room BB/ Cube #14	CART
52	HP CPU S/N L8C8501SASA24K	From cubicle	Roderick Coffin	Gregory Peacock	5/29/2014	Other	Direct	Room BB/ Cube #21	CART
53	Dell CPU S/N 1355KH1	From cubicle	Roderick Coffin	Tinsley Smith	5/29/2014	Other	Direct	Room BB/ Cube #23	CART
54	General documents	From desk	Joshua Keys	Tinsley Smith	5/29/2014	Cardboard Box	Indirect	Room FF	General Evidence
55	Documents - debtor accounts, call scripts	On floor near sofa	Gregory Peacock	Joseph Stites	5/29/2014	Paper	Indirect	Room FF	General Evidence
56	Misc papers w/ passwords, random notes, and deposit slips	From desk	Timothy Brody	Brian Corniskey	5/29/2014	Paper	Indirect	Room EE	General Evidence
57	Fax instructions; fax on top of fax machine	On fax station shelf	Joseph Stites	Roderick Coffin	5/29/2014	Paper	Indirect	Room AA	General Evidence

EXHIBIT-5

EXHIBIT-5

## EVIDENCE LOG

By Item Number

Item #	Description	Location	Recovered By	Observed By	Find Date	Package Type	Marking	Room	Evidence Type
58	account; Post it notes with names and collection notes	In wall file holder marked "Daily Time Cards"	James Williams	Stephanie Erkenbeck	5/29/2014	Paper	Indirect	Room BB	General Evidence
59	Check #9999 made out for \$375.00 to WSA	On top of desk	Brian Comiskey	Kurt J Dirker	5/29/2014	Plastic	Indirect	Room EE	Valuables
60	External HDD S/N WCAU44918840	Inside rack	Roderick Coffin	Stephanie Erkenbeck	5/29/2014	Paper	Indirect	Room DD	CART
61	Employee rosters, misc papers	From Bulletin boards and copy machine	Brian Comiskey	Kurt J Dirker	5/29/2014	Paper	Indirect	Room EE	General Evidence
62	Tax docs, payment sheets, utilities, invoices	Office desk	Gregory Peacock	Joshua Keys	5/29/2014	Paper	Indirect	Room FF	General Evidence
63	Mortgage and loan modification docs, tax return documents, Nuvox communication contacts	In box next to black couch	Joseph Stiles	Tinsley Smith	5/29/2014	Paper	Indirect	Room FF	General Evidence
64	Night Owl DVR S/N 041G-050240	From room	Joseph Stiles	Joshua Keys	5/29/2014	Other	Direct	Room EE	CART
65	Miscellaneous discarded papers	From trashcan	Brian Comiskey	Kurt J Dirker	5/29/2014	Paper	Indirect	Room EE	General Evidence
66	Chargeback back-up papers; credit/debit card info	Filing cabinet drawer #4 and on floor	Brian Comiskey	Kurt J Dirker	5/29/2014	Paper	Indirect	Room EE	General Evidence
67	Chargebacks; employee info; customer records; employment applications	On top of filing cabinet	Timothy Brody	Kurt J Dirker	5/29/2014	Paper	Indirect	Room EE	General Evidence
68	Applications; complaints; employee records	2nd drawer from top of filing cabinet	Brian Comiskey	Kurt J Dirker	5/29/2014	Cardboard Box	Indirect	Room EE	General Evidence
69	Lenovo CPU S/N 1S7269D6UMINZ907	From cubicle	James Williams	Roderick Coffin	5/29/2014	Other	Direct	Room AA/Cube #11	CART
70	Account log and credit card info	Filing cabinet - first drawer	Brian Comiskey	Kurt J Dirker	5/29/2014	Cardboard Box	Indirect	Room EE	General Evidence
71	Jeweled case w/ possible drug residue	From cubicle	Thomas McAfee	Gregory Peacock	5/29/2014	Plastic	Indirect	Room BB/Cube #18	Drugs
72	Time cards	Wall file holder marked "Daily Timecards"	James Williams	Joshua Keys	5/29/2014	Paper	Indirect	Room BB	General Evidence

EXHIBIT-S

EXHIBIT-S

OCT/05/2009/MON 12:33 PM

02/01/2007 21:54 FAX



OSIT	NAME	DA
GAA	801	76
PROGRAM		
KIT		
PAK		
CHECKED		

P. 002

002

8788200015540

NET Deposits

Principal 070 Associate 011 Cash 000 DDAR 7399 MCC Code 7399

Sales Rep # <b>4714</b>		Sales Reps Name <b>NetDeposit, LLC</b>		Sales Reps Phone # <b>(877) 728-8325</b>	
Merchant's DBA Name <b>WILLIAMS SCOTT &amp; ASSOCIATES LLC #2</b>					
Physical Street Address (No P.O. Box) <b>6800 CROOKED CREEK RD STE 140</b>					
City <b>NORCROSS</b>		State <b>GA</b>		Zip <b>30092</b>	
DBA Telephone # <b>(678) 495-0825</b>		DBA Fax # <b>(678) 495-0831</b>		Telephone #	
E-mail Name at this Address <b>JOHN WILLIAMS</b>		E-mail Address <b>johnwilliams@netdeposit.com</b>		Contact Name at this Address	
F. and Tax ID # <b>64663453</b>		Annual Visa/MC/Discover Sales (\$) <b>250000</b>		Average Ticket (\$) <b>175.00</b>	
Type of Ownership <input checked="" type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Government <input type="checkbox"/> LLC <input type="checkbox"/> Corporation <input type="checkbox"/> Other		Business Type (must equal 100%) <input checked="" type="checkbox"/> Retail <input type="checkbox"/> Wholesale <input type="checkbox"/> Service <input type="checkbox"/> Other		Do you currently accept Visa/MasterCard/Discover? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Goods/Services Sold <b>COLLECTION AGENCY</b>		Years in business under current ownership <b>11</b>		Percentage of sales in this category (%) <b>100</b>	
Does merchant accept transactions before the customer receives product or service? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Duration of extended service or benefits (in weeks) <b>0</b>		How long does customer wait before product is received? <b>0</b>	
Bank Reference 1 <b>FLAGSTAR</b>		Routing # <b>051192630</b>		DDA/Checking Account # <b>061192630</b>	
Bank Reference 2		Routing #		DDA/Checking Account #	
Trade Reference		Account #		Control	
AmEx ID #		Discover ID #		Other ID #	
Name <b>JOHN WILLIAMS</b>		Title <b>CEO</b>		Date of Birth <b>06/18/66</b>	
Home Address <b>3275 WYNTREE DR</b>		City <b>NORCROSS</b>		State <b>GA</b>	
Former Address (if less than 1 year at current address)		City		State	
Name		Title		Date of Birth	
Home Address		City		State	
Former Address (if less than 1 year at current address)		City		State	

FROM  
J. Williams  
Vendor(s)

Exhibit - T

The responsibilities listed above do not supersede terms of the Merchant Agreement and are provided to ensure the Merchant understands their specific responsibilities.



OCT/05/2009/MON 12:33 PM. NE  
02/01/2007 21:54 FAX



NAME	DA
GAA	801 77 76
PROGRAM	
KIT	
ENTERED TO PER	8788200015540
CHECKED	
DATE	07/16/2009
NET	
DEPOSIT	

NET Deposit 7

Principal	Associate	Chen	COA#	MCC Code
070	011	010		7399
Sales Rep #	Sales Rep Name	Sales Rep Phone #		
4714	NetDeposit, LLC	(877) 729-8325		
Merchant's DBA Name		Merchant's Legal Name		
WILLIAMS SCOTT & ASSOCIATES LLC #2				
Physical Street Address (No P.O. Box)		Legal Address		
6960 CROOKED CREEK RD STE 140		3940 CROOKED CREEK RD STE 140		
City	State	Zip	City	State
NORCROSS	GA	30082		
DBA Telephone #	DBA Fax #	Telephone #	FAX #	
(678) 495-0825	(678) 495-0831			
Contact Name at this Address	E-mail Address	Contact Name at this Address	E-mail Address	
JOHN WILLIAMS				
Federal Tax ID #	Annual Visa/MC/Discover Sales (\$)	Average Ticket (\$)	Total Visa/MC/Discover Sales (Multiple Locations only)	
264663453	250000	175.00		
Type of:	Do you currently accept Visa/MasterCard/Discover?			
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> Partnership	<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> Government	<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> Corporation	<input type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> Other	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Type of Goods/Services Sold	Years in business under current ownership	Percentage of sales in this category (%)	Percentage of sales that is pre-shipment (%)	
COLLECTION AGENCY	11 98			
Does merchant accept transactions before the customer receives product or service?	Does merchant offer unsecured loans, subscriptions, memberships or other extended services?	Do you have a business plan?	Additional Location = 15%	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Bank Reference #	Routing #	DBA/Checking Account #	Telephone #	
FLAGSTAR	061102630		(770) 447-2480	
Bank Reference 2	Routing #	DBA/Checking Account #	Telephone #	
Trade Reference	Account #	Control	Telephone #	
Amex ID #	Discover ID #	Other ID #		
Name	Title	Date of Birth	Social Security #	Home Telephone #
JOHN WILLIAMS	CEO	06/18/66	083-80-8593	(770) 896-8908
Home Address	City	State	Zip Code	Years There
3275 WYNTREE DR	NORCROSS	GA	80071	5
Former Address (if less than 1 year at current address)	City	State	Zip Code	Years There
Name	Title	Date of Birth	Social Security #	Home Telephone #
Home Address	City	State	Zip Code	Years There
Former Address (if less than 1 year at current address)	City	State	Zip Code	Years There
Important Member Bank Responsibilities				
1. A Visa Member is the only entity approved to extend unsecured lines of credit to a merchant.				
2. A Visa Member must be a principal (owner) to the Merchant Agreement.				
3. The Visa Member is responsible for educating Merchants on pertinent Visa Operating Regulations with which Merchants must comply.				
4. The Visa Member is responsible for and must provide settlement funds to the Merchant.				
5. The Visa Member is responsible for all funds held in reserve that are derived from settlement.				
Important Merchant Responsibilities				
1. Ensure compliance with cardholder data security and storage requirements.				
2. Maintain fraud and chargebacks below thresholds.				
3. Review and understand the terms of the Merchant Agreement.				
4. Comply with Visa Operating Regulations.				
The responsibilities listed above do not supersede terms of the Merchant Agreement and are provided to ensure the Merchant understands these specific responsibilities.				

Exhibit-U

\*Random Tax Return to Show Legitimacy\*

☐ CORRECTED (if checked)

PAYER'S name, street address, city, state, zip code, and telephone no. <b>WILLIAMS SCOTT &amp; ASSOCIATES LLC</b>  3850 HOLCOMB BRIDGE RD STE 150 NORCROSS GA 30092  4049750233		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1 Rents</td> <td rowspan="3" style="width: 50%; text-align: center; vertical-align: middle;"> <div style="font-size: 2em; font-weight: bold;">2012</div> <div style="font-size: 0.8em;">Form 1099-MISC</div> </td> </tr> <tr> <td>2 Royalties</td> </tr> <tr> <td>3 Other income</td> </tr> <tr> <td colspan="2" style="text-align: right;">Miscellaneous Income</td> </tr> </table>		1 Rents	<div style="font-size: 2em; font-weight: bold;">2012</div> <div style="font-size: 0.8em;">Form 1099-MISC</div>	2 Royalties	3 Other income	Miscellaneous Income													
1 Rents	<div style="font-size: 2em; font-weight: bold;">2012</div> <div style="font-size: 0.8em;">Form 1099-MISC</div>																				
2 Royalties																					
3 Other income																					
Miscellaneous Income																					
PAYER'S Federal Identification number	RECIPIENT'S Identification number	4 Federal income tax withheld	Copy B For Recipient																		
58-2577607	254490251																				
RECIPIENT'S name  <b>TIMOTHY GLASS</b>  Street address (including apt. no.) 6349 HOLCOMB WAY  City, state, and ZIP code NORCROSS, GA 30071		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">5 Fishing boat proceeds</td> <td style="width: 50%;">6 Medical and health care payments</td> </tr> <tr> <td>7 Nonemployee compensation</td> <td>8 Substitute payments in lieu of dividends or interest</td> </tr> <tr> <td>9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/></td> <td>10 Crop insurance proceeds</td> </tr> <tr> <td>11</td> <td>12</td> </tr> <tr> <td>13 Excess golden parachute payments</td> <td>14 Gross proceeds paid to an attorney</td> </tr> <tr> <td>15a Section 409A deferrals</td> <td>15b Section 409A income</td> </tr> <tr> <td>16 State tax withheld</td> <td>17 State/Payer's state no.</td> </tr> <tr> <td></td> <td>APPLIED</td> </tr> <tr> <td>18 State income</td> <td></td> </tr> </table>		5 Fishing boat proceeds	6 Medical and health care payments	7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest	9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds	11	12	13 Excess golden parachute payments	14 Gross proceeds paid to an attorney	15a Section 409A deferrals	15b Section 409A income	16 State tax withheld	17 State/Payer's state no.		APPLIED	18 State income	
5 Fishing boat proceeds	6 Medical and health care payments																				
7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest																				
9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds																				
11	12																				
13 Excess golden parachute payments	14 Gross proceeds paid to an attorney																				
15a Section 409A deferrals	15b Section 409A income																				
16 State tax withheld	17 State/Payer's state no.																				
	APPLIED																				
18 State income																					

Form 1099-MISC (keep for your records)

#### Instructions for Recipient

**Recipient's Identification number.** For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), or adoption taxpayer identification number (ATIN). However, the issuer has reported your complete identification number to the IRS and, where applicable, to state and/or local governments.

**Account number.** May show an account or other unique number the payer assigned to distinguish your account.

**Amounts shown may be subject to self-employment (SE) tax.** If your net income from self-employment is \$400 or more, you must file a return and compute your SE tax on Schedule SE (Form 1040). See Pub. 334 for more information. If no income or social security and Medicare taxes were withheld and you are still receiving these payments, see Form 1040-ES. Individuals must report these amounts as explained in the box 7 instructions on this page. Corporations, fiduciaries, or partnerships must report the amounts on the proper line of their tax returns.

**Form 1099-MISC incorrect?** If this form is incorrect or has been issued in error, contact the payer. If you cannot get this form corrected, attach an explanation to your tax return and report your income correctly.

**Boxes 1 and 2.** Report rents from real estate on Schedule E (Form 1040). However, report rents on Schedule C or C-EZ (Form 1040) if you provided significant services to the tenant, sold real estate as a business, rented personal property as a business, or you and your spouse elected to be treated as a qualified joint venture. Report royalties from oil, gas, or mineral properties on Schedule E (Form 1040). However, report payments for a working interest as explained in the box 7 instructions. For royalties on timber, coal, and iron ore, see Pub. 544.

**Box 3.** Generally, report this amount on the "Other income" line of Form 1040 and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, or other taxable income. See Pub. 525. If it is trade or business income, report this amount on Schedule C, C-EZ, or F (Form 1040).

**Box 4.** Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold at a 28% rate if you did not furnish your taxpayer identification number. See Form W-9 and Pub. 505 for more information. Report this amount on your income tax return as tax withheld.

**Box 5.** An amount in this box means the fishing boat operator considers self-employed. Report this amount on Schedule C or C-EZ (Form 1040). See Pub. 334.

**Box 6.** For individuals, report on Schedule C or C-EZ (Form 1040).

**Box 7.** Shows nonemployee compensation. If you are in the trade or business of catching fish, box 7 may show cash you received for the sale of fish. Payments in this box are SE income, report this amount on Schedule SE (Form 1040), and complete Schedule SE (Form 1040). You receive Form 1040-ES instead of Form W-2 because the payer did not consider you an employee and did not withhold income tax or social security and Medicare taxes. If you believe you are an employee and cannot get the payer to correct the form, report the amount from box 7 on Form 1040, line 7 (or Form 1040-ES, line 8). You must also complete Form 8919 and attach it to your return.

**Box 8.** Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Form 1040.

**Box 9.** If checked, \$5,000 or more of sales of consumer products were made on a buy-sell, deposit-commission, or other basis. A dollar amount not have to be shown. Generally, report any income from your sale of products on Schedule C or C-EZ (Form 1040).

**Box 10.** Report this amount on line 8 of Schedule F (Form 1040).

**Box 13.** Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See the Form 1040 instructions for more information.

**Box 14.** Shows gross proceeds paid to an attorney in connection with services. Report only the taxable part as income on your return.

**Box 15a.** May show current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409A, plus any earnings on current and prior deferrals.

**Box 15b.** Shows income as a nonemployee under an NQDC plan that does not meet the requirements of section 409A. This amount is also included in box 7 as nonemployee compensation. Any amount included in box 7 currently taxable is also included in this box. This income is also subject to a substantial additional tax to be reported on Form 1040. See "Total Tax" Form 1040 instructions.

**Boxes 16-18.** Shows state or local income tax withheld from the payment.

**Exhibit-V**

WS-IB29-000717



10/27/2014 11:02:00 AM -0500 INB

PAGE 2 OF 2



Department of the Treasury  
Internal Revenue Service  
Ogden, UT 84201

In reply refer to: 0441784224  
Oct 27, 2014 LTR 147C  
46-2809383

WSA LLC  
JOHN WILLIAMS SOLE MBR  
7742 SPALDING DR SUITE 386  
NORCROSS GA 30092-4207 427

Taxpayer Identification Number: 46-2809383

Form(s):

Dear Taxpayer:

This letter is in response to your telephone inquiry of October 27th, 2014.

Your Employer Identification Number (EIN) is 46-2809383. Please keep this number in your permanent records. You should enter your name and your EIN, exactly as shown above, on all business federal tax forms that require its use, and on any related correspondence documents.

If you have any questions regarding this letter, please call our Customer Service Department at 1-800-829-0115 between the hours of 7:00 AM and 7:00 PM. If you prefer, you may write to us at the address shown at the top of the first page of this letter. When you write, please include telephone number where you may be reached and the best time to call.

Sincerely,

Jehna Shaw  
1677968  
Customer Service Representative

Exhibit-W



**Department of the Treasury**  
**Internal Revenue Service**  
**Ogden, UT 84201**

In reply refer to: 0441784224  
Oct 27, 2014 LTR 147C  
26-4663453

**JOHN WILLIAMS**  
**WSA WILLIAMS SCOTT ASSOCIATES**  
**5960 CROOKED CREEK RD**  
**NORCROSS GA 30092-6219 990**

Taxpayer Identification Number: 26-4663453

Form(s):

Dear Taxpayer:

This letter is in response to your telephone inquiry of October 27th, 2014.

Your Employer Identification Number (EIN) is 26-4663453. Please keep this number in your permanent records. You should enter your name and your EIN, exactly as shown above, on all business federal tax forms that require its use, and on any related correspondence documents.

If you have any questions regarding this letter, please call our Customer Service Department at 1-800-829-0115 between the hours of 7:00 AM and 7:00 PM. If you prefer, you may write to us at the address shown at the top of the first page of this letter. When you write, please include telephone number where you may be reached and the best time to call.

Sincerely,

Jenna Shaw  
1677968  
Customer Service Representative

EXHIBIT-X

Forged Signatures (FTC)

AGREED AS TO FORM AND CONTENT:

John Todd Williams  
Williams, Scott & Associates, LLC  
by John Todd Williams, Owner and Officer

John Todd Williams  
WSA, LLC, also, d/b/a Warrant Services Association  
by John Todd Williams, Owner and Managing Member

John Todd Williams  
John Todd Williams, individually  
and as officer of Williams, Scott & Associates, LLC,  
and as manager of WSA, LLC

CR  
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Exhibit Y

*Similarly Situated Collection Agency*

FEDERAL TRADE COMMISSION, Plaintiff, -v- FEDERAL CHECK PROCESSING, INC. et al.,  
Defendants.

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

2016 U.S. Dist. LEXIS 50589

14-CV-122-WMS-MJR

April 13, 2016, Decided

April 13, 2016, Filed

**Editorial Information: Subsequent History**

Adopted by, Objection denied by, Summary judgment granted by FTC v. Fed. Check Processing, Inc., 2016 U.S. Dist. LEXIS 147246 (W.D.N.Y., Aug. 12, 2016)

**Editorial Information: Prior History**

FTC v. Fed. Check Processing, Inc., 2014 U.S. Dist. LEXIS 192584 (W.D.N.Y., June 9, 2014)

**Counsel**

For Federal Trade Commission, Plaintiff: Colin Aiello Hector, Katherine Mary Worthman, LEAD ATTORNEYS, Federal Trade Commission, San Francisco, CA.

For Federal Check Processing, Inc., a New York corporation, Federal Recoveries, LLC, a New York limited liability company, Federal Processing, Inc., a New York corporation, Federal Processing Services, Inc., a New York corporation, United Check Processing, Inc., a New York corporation, Central Check Processing, Inc., a New York corporation, Central Processing Services, Inc., a New York Corporation, Nationwide Check Processing, Inc., also known as, National Processing Services, a Colorado Corporation, American Check Processing, Inc., also known as, American Check Processing, Inc., a New York corporation, State Check Processing, Inc., Check Processing, Inc., a New York corporation, a New York corporation, US Check Processing, Inc., also known as, US Check Processing, Inc., a New York corporation, Flowing Streams, F.S., Inc., a New York corporation, Defendants: Mark D. Grossman, LEAD ATTORNEY, Niagara Falls, NY.

For Mark Briandi, individually and as an officer of one or more of the Corporate Defendants, Defendant: Herbert L. Greenman, LEAD ATTORNEY, Lipsitz Green Scime Cambria LLP, Buffalo, NY; Mark D. Grossman, LEAD ATTORNEY, Niagara Falls, NY.

For William Moses, individually and as an officer of one or more of the Corporation Defendants, Defendant: Kevin W. Spittler, LEAD ATTORNEY, Buffalo, NY; Mark D. Grossman, LEAD ATTORNEY, Niagara Falls, NY; Herbert L. Greenman, LEAD ATTORNEY, Lipsitz Green Scime Cambria LLP, Buffalo, NY.

Judges: MICHAEL J. ROEMER, United States Magistrate Judge.

**Opinion**

**Opinion by:** MICHAEL J. ROEMER

**Opinion**

**REPORT AND RECOMMENDATION**

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*EXHIBIT-Z*

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This case has been referred to the undersigned by the Hon. William M. Skretny for all pre-trial matters, including preparation of a report and recommendation on dispositive motions. (Dkt. Nos. 158-59). Before the Court is plaintiff Federal Trade Commission's motion for summary judgment. (Dkt. No. 127). For the following reasons, I recommend that the motion be granted in its entirety.

### BACKGROUND

The Federal Trade Commission ("FTC") commenced this action in 2014 alleging that the defendants' debt collection practices violated the FTC Act, 15 U.S.C. § 45(a), and the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.* (Dkt. No. 1). The complaint names two individual defendants, thirteen corporate defendants, and one relief defendant. The individual defendants are William Moses and Mark Briandi. (*Id.*). The corporate defendants are Federal Check Processing, Inc., Federal Recoveries, LLC, Federal Processing, Inc., Federal Processing Services, Inc., United Check Processing, Inc., Central Check Processing, Inc., Central Processing Services, Inc., Nationwide Check Processing, Inc., American Check Processing, Inc. a/k/a American Check Processing, State Check Processing, Inc., Check Processing, Inc., US Check Processing, Inc., and Flowing Streams, F.S., Inc. (*Id.*). The relief defendant is Empowered Racing LLC. (*Id.*).

The following facts are taken from the pleadings and motion papers in this action, including the FTC's Statement of Material Facts ("SOF") (Dkt. No. 127-2). The SOF attaches forty-three exhibits totaling approximately 1,500 pages. (Dkt. Nos. 129-32).<sup>1</sup> The exhibits consist of consumer declarations, correspondence, business records, telephone recording transcriptions, discovery responses, and other evidence concerning the defendants' unlawful debt collection practices. The corporate defendants and Empowered Racing have not responded to the FTC's SOF, nor have they submitted any opposition to the FTC's motion. Briandi's and Moses' respective responses to the FTC's SOF primarily argue that they did not participate in, and were unaware of, the corporate defendants' unlawful debt collection activities.<sup>2</sup> Therefore, nearly all of the FTC's proposed facts regarding the corporate defendants' unlawful practices are undisputed. Unless otherwise noted, when citing the FTC's SOF, I have confirmed that the proposed fact is properly supported by evidence and that it has not been controverted with evidence by the defendants. See W.D.N.Y. L.R. Civ. P. 56(a).

#### I. Corporate Defendants

##### A. Corporate Structure

Briandi founded Federal Recoveries, LLC in 2009. (Dkt. No. 127-2 ¶¶2, 20). The other twelve corporate defendants were established between 2010 and 2013. (*Id.* ¶¶2-3). Briandi and Moses co-owned and co-directed each corporate defendant, with the possible exception of Flowing Streams.<sup>3</sup> (Dkt. No. 132-4, Ex. 35 at 773-79; Dkt. No. 132-6, Ex. 37 at 791-97). The corporate defendants were part of the same debt collection enterprise, with each entity engaged in collecting consumer debts or supporting other entities engaged in debt collection. (Dkt. No. 127-2 ¶8). The corporate defendants ceased collecting debts in February 2014, when this Court granted a temporary restraining order that, among other things, prohibited the defendants from using any false representation or deceptive means to collect a debt, froze the defendants' assets, and appointed a receiver to oversee the corporate defendants. (Dkt. No. 11). Between May 11, 2010 and March 10, 2014, the corporate defendants received nearly \$11 million from consumers. (Dkt. No. 127-2 ¶165).

In February 2014, when this Court granted the TRO, the corporate defendants employed twenty-five debt collectors in its office located on Transit Road in East Amherst, New York. (Dkt. No. 132-8, Ex. 39 at 1084 ¶19).<sup>4</sup> Three managers - Jennifer Cerne, Jaquie Just, and Michael Timkey - oversaw teams of individual collectors. (Dkt. No. 127-2 ¶90). Gary Marcial served as "operations manager" or "office manager," and oversaw the three managers. (*Id.* ¶¶80, 146). Another employee, Michael Fix,

served as compliance manager. (Dkt. No. 132-11, Ex. 41 at 1447 ¶11).

B. Collection Tactics

The corporate defendants collected consumer debts, primarily payday loan debts. (Dkt. No. 127-2 ¶14).<sup>5</sup> Defendant Flowing Streams and a predecessor company, Trinity Acquisition Group, purchased these debts from debt sellers who then e-mailed "debt portfolios" directly to Moses or Briandi. (*Id.* ¶¶12, 124). Each debt portfolio contained consumer-identifying information, including names and addresses, as well as general information about each debt, such as the balance and the date the debt was issued. (*Id.* ¶¶125-26). Because the debt portfolios did not list the interest rate for each debt, Moses created a formula to add interest. (*Id.* ¶¶127-28). Moses based the formula on the interest rate in a sample loan contract between the original creditor and the consumer. (*Id.* ¶130). Specifically, if a contract existed for a payday loan issued by a particular creditor, Moses applied the interest rate from that contract to each debt that arose out of a payday loan issued by that creditor, even if the debt was in a different portfolio than the debt associated with the contract. (*Id.* ¶¶130-31). Moses did not receive formal assurances from the debt seller that interest applicable to a debt in one portfolio could be applied to debts in other portfolios. (*Id.* ¶134).

The corporate defendants' debt collectors collected debts from consumers by telephone. The FTC has submitted numerous recordings and scripts detailing the tactics employed by collectors during these calls.<sup>6</sup> Generally, collectors identified themselves as "processors," "officers," or "investigators" from the "fraud unit" or "fraud division" of the corporate defendants. (*Id.* ¶¶87, 88). To persuade consumers to pay debts, collectors accused them of "check fraud" or other crimes, and threatened them with criminal prosecution, legal action, or wage garnishment. (*Id.* ¶¶89, 90, 96, 97). These accusations and threats were false because not once did the corporate defendants pursue criminal charges or garnishment against a consumer. (*Id.* ¶¶95, 97). Collectors might also call friends, family members, employers, and coworkers of a consumer, informing them that the consumer owed a debt, had committed check fraud or another crime, and faced pending or imminent legal action. (*Id.* ¶¶107-15).

Transcripts of telephone calls between collectors and consumers confirm that the collectors used the above tactics. (Dkt. No. 132-7, Ex. 38 at 799-810 ¶¶5-36). The transcripts show, for example, that collectors:

Informed a consumer that she was a "named respondent regarding allegations of pending tax fraud." (*Id.* at 816).

Informed a consumer that the call was not a collections call. (*Id.* at 826).

Informed a consumer that he was "being processed under a Class A check violation." (*Id.* at 846).

Warned a consumer that "[a] \$500 check violation is a serious offense in the State of Texas." (*Id.* at 851).

Informed a consumer that she was "named as a primary respondent" in a "complaint." (*Id.* at 886).

Informed a consumer that he was the "primary respondent in a check violation charge." (*Id.* at 899).

Answered a telephone call by stating "Fraud Division . . . How can I help you?" (*Id.* at 911).

Informed a consumer that the corporate defendants "received a claim that was filed against you in our office this morning. It looks like you're being listed as a primary respondent in two separate



violations. The first is for defrauding a financial institution and the second is for three implications of check fraud." (*Id.* at 928).

Warned a consumer that the corporate defendants received a "claim" that the consumer took out a loan with "intentions to defraud." (*Id.* at 938-39).

Informed a consumer that he was the subject of a "hot check violation." (*Id.* at 954).

Advised a consumer's relative that the corporate defendants "received a pending case file this morning that is outlining three allegations of check fraud" against the consumer. (*Id.* at 977).

Advised a consumer that the collector was calling her from "the fraud division here at National Processing Services." (*Id.* at 990).

Warned a consumer that the corporate defendants were "looking to pursue" the consumer "in court under the state's bad check laws." (*Id.* at 1031).

Informed a consumer that because he was "settling it outside of court in the pre-arbitratory [*sic*] phase," he need not be concerned about the settlement appearing on his "permanent record." (*Id.* at 1034).

Told a consumer that he was "the primary respondent under a check violation charge." (*Id.* at 1046).

Warned a consumer that the corporate defendants were "calling about the anti-trust complaint violation you have in our office . . . it looks like you tried to defraud the company and you gave them a bad check." (*Id.* at 1052-53).

Told a consumer "[m]y name is Investigator Edwin Watts. I'm contacting you - you've been accused of check fraud. They are requesting that we turn this over to your residing parish to allow you to answer to the pending charges. I wanted to give you an opportunity to give me your side of the story before you are picked up on charges . . . I've got to contact the district attorney, hold on." (*Id.* at 1061-63).

Warned a consumer that "[t]here are strong allegations of alleged check fraud and a theft of goods and service charge that have been filed to forward litigation in San Mateo County." (*Id.* at 1076). Further, pursuant to the TRO, the FTC obtained numerous unlawful scripts used by collectors when speaking with consumers. Examples of these scripts include:

"This msg is intended for dbtr. This is Kim Carter calling w/ the fraud division of NCP . . . I'm calling in regard to a complaint that was filed & Formalized w/ our office . . . You are listed as primary respondent in regards to allegations of fraud . . . ." (Dkt. No. 130-4, Ex. 16 at 424).

"[Y]ou do know that when on Government funded 'Fixed income' you have to claim unearned income on your taxes. You did not file a 1099K form & bcuz of that the IRS can place a hold on your SSI & reevaluate your benefits bcuz soliciting \$w/ no disposable income. If handled w/ our firm the atty will step in & take care of the 1099K, so you won't be subject to tax ivasion [*sic*]." (*Id.* at 432).

"This message is intended for \_\_ My name is Carrie Martin I've been appointed as your representative regarding this matter. Unfortunatley [*sic*] the complaint was filed and your [*sic*] named as the primary respondant [*sic*]. I would like to get your input prior to any further proceedings Please call me directly . . . ." (*Id.* at 449).

"Accusations - (1) Illegal or Fraudulent Activity Against a Lending Institute; (2) Theft of Services. Order of serve & processing." (Dkt. No. 130-5, Ex. 16 at 457).

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Exhibit-Z

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"We will send you an agreement notice reflecting the terms we set up. Upon clearance of your (last) payment, we will send you a release notice. At that point this will be expunged of of [sic] your credit criminal record." (*Id.* at 463).

"\_\_ contacting \_\_. Please be advised your disposition was placed on my desk this morning scheduled to be processed within \_\_ county. You're being notified that I have been retained to resolve (a possibly) pending legal allegations being filed against you here in my office. In order to resolve this voluntarily and prevent any further repercussions [sic] I would need your contact as soon as possible. It is imperative that you contact me directly @ \_\_ presenting case #\_\_." (*Id.* at 469).

"\_\_ This is Jenna Hodge calling with Federal Processing. You are being investigated for fraud. Attached to the complaint is your home & SS# ending in \_\_. If you wish to resolve this matter voluntarily before any charges are filed in \_\_ county, you are mandated to respond." (*Id.* at 487).

"You are being charged with: - aggravated [sic] defrauding of a Financial institution - Theft of service & intent to defraud a Banking institution." (*Id.*)

"[L]egally we need to notify "Boss" about you using your work email to facilitate [sic] fraud - we also need to contact your I.T. DEPT - we need to send a certified state technician to supena [sic] the records - supporting evidence suggests you did this/The employer would be liable for this." (*Id.* at 504).

"Were your intensions [sic] for the check to clear? Reckless abandon!" (*Id.* at 516).

The use of these and other scripts was widespread. Out of the twenty-six collector stations within the corporate defendants' office, fifteen contained a typed script, a handwritten script, or both. (Dkt. No. 132-8, Ex. 39 at 1084 ¶18). Michael Fix, the corporate defendants' compliance officer, also had multiple unlawful scripts at the desk he maintained in the office's collection area. (Dkt. No. 127-2 ¶144).

Not only did collectors threaten consumers, they also routinely withheld material information from them. For example, collectors refused to discuss the basis for representing that consumers owed debts. (*Id.* ¶99). Even if a consumer informed the collector that he or she did not owe the purported debt and provided evidence to support that assertion, the collector continued his or her efforts to collect the debt. (*Id.* ¶¶100-04). Collectors also refused to send consumers written correspondence verifying their debts until they agreed to make a payment. (*Id.* ¶122). In one instance, a collector even told a consumer that it was not company policy to send letters to consumers. (*Id.* ¶120). When the corporate defendants did bother to send letters, they used a form letter that failed to provide information on how to dispute the debt. (*Id.* ¶118).

The corporate defendants rewarded collectors for using the aforementioned tactics. For example, one collector who was accused of impersonating law enforcement and contacting third parties regarding debts, Robert Wolfe, received bonuses from the corporate defendants. (*Id.* ¶¶157, 160).

### C. The Assurance of Discontinuance

On February 3, 2013, without admitting or denying liability, six of the corporate defendants, 7 Briandi, and Moses entered into an Assurance of Discontinuance ("AOD") with the State of New York that resolved the New York State Attorney General's findings that the corporate defendants "repeatedly and persistently violated the FDCPA." (Dkt. No. 129-14, Ex. 11 at 305-16; *id.* at 308 ¶17). Among other things, the AOD required Briandi, Moses, and their companies to abide by all applicable federal and state laws, including the FDCPA. (*Id.* at 309 ¶21). It further required Moses and Briandi to advise





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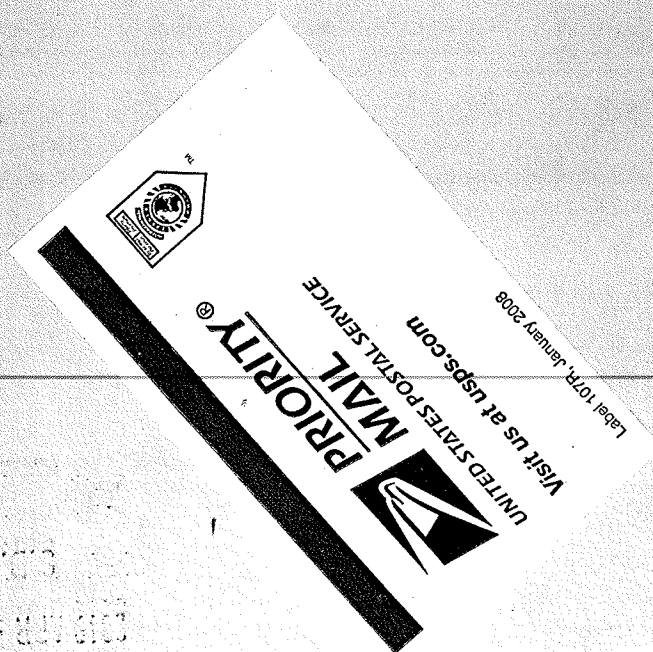
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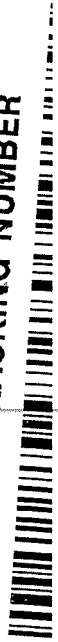
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